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**House File 2350 - Introduced**

HOUSE FILE 2350  
BY HANSON

**A BILL FOR**

1 An Act relating to certain public cafeterias concerning local  
2 purchasing preferences and dietary guidelines.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. PUBLIC CAFETERIAS — PURCHASING PREFERENCES AND  
2 DIETARY GUIDELINES.

3 1. The department of administrative services, in  
4 collaboration with the department of public health and the  
5 department of agriculture and land stewardship, shall convene a  
6 task force to propose a procurement policy and implementation  
7 timeline for the policy requiring all cafeterias at the capitol  
8 complex and at all state agency buildings in this state to  
9 conform to the United States department of health and human  
10 services' health and sustainability guidelines for federal  
11 concessions and vending operations, and to establish purchasing  
12 preferences for local producers of food and local beverage  
13 providers.

14 2. The state board of regents and the department of  
15 education, in collaboration with the department of agriculture  
16 and land stewardship, shall also convene a task force to  
17 propose a procurement policy and implementation timeline for  
18 the policy requiring public collegiate campus cafeterias to  
19 conform to the United States department of health and human  
20 services' health and sustainability guidelines for federal  
21 concessions and vending operations, and to establish purchasing  
22 preferences for local producers of food and local beverage  
23 providers. Campus cafeterias addressed in the policy shall  
24 include cafeterias located at the university of northern  
25 Iowa, Iowa state university, the university of Iowa, and all  
26 community colleges.

27 3. The task forces shall submit their procurement policies  
28 and implementation timelines to the general assembly by January  
29 2, 2015.

30 Sec. 2. NEW SECTION. 8A.319 Purchasing preferences and  
31 dietary guidelines for state cafeterias.

32 1. The department of administrative services, along with  
33 the state board of regents and the department of education,  
34 shall adopt a procurement policy requiring the affected  
35 cafeterias to conform to the United States department of health

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1 and human services' health and sustainability guidelines for  
2 federal concessions and vending operations by January 1, 2016.

3 2. The department of administrative services, in  
4 collaboration with the department of public health, shall  
5 review and update relevant nutrition standards every five  
6 years, starting in 2019, to reflect advancements in nutrition  
7 science, dietary data, and food product availability.

8 3. Any affected cafeteria's new or renewal food service  
9 contract entered into during calendar year 2015 shall also  
10 conform to the appropriate procurement policy adopted pursuant  
11 to subsection 1.

12 Sec. 3. Section 135.11, Code 2014, is amended by adding the  
13 following new subsection:

14 NEW SUBSECTION. 32. Review and update relevant nutrition  
15 standards for affected cafeterias, pursuant to section 8A.319,  
16 subsection 2.

17 Sec. 4. Section 256.9, Code 2014, is amended by adding the  
18 following new subsection:

19 NEW SUBSECTION. 65. Adopt and implement a food procurement  
20 policy for affected cafeterias, pursuant to section 8A.319.

21 Sec. 5. Section 262.9, Code 2014, is amended by adding the  
22 following new subsection:

23 NEW SUBSECTION. 38. Adopt and implement a food procurement  
24 policy for affected cafeterias, pursuant to section 8A.319.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with  
27 the explanation's substance by the members of the general assembly.

28 This bill relates to the adoption of dietary guidelines.  
29 The United States department of health and human services'  
30 health and sustainability guidelines for federal concessions  
31 and vending operations are adopted for public cafeterias at the  
32 capitol complex, at all state agency buildings, and at public  
33 collegiate institutions in this state. The bill also requires  
34 public cafeterias at the capitol complex, at all state agency  
35 buildings, and at public collegiate institutions in this state

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1 to establish purchasing preferences for local producers of food  
2 and local beverage providers.

3 The bill requires the department of administrative services,  
4 in collaboration with the department of public health and the  
5 department of agriculture and land stewardship, to convene  
6 a task force that will propose a procurement policy and  
7 implementation timeline requiring the specified cafeterias  
8 controlled by the department of administrative services to  
9 conform to the specified dietary guidelines, and to establish  
10 purchasing preferences for local producers of food and local  
11 beverage providers.

12 The bill also requires the state board of regents and the  
13 department of education, in collaboration with the department  
14 of agriculture and land stewardship, to convene a task force  
15 that will propose a procurement policy and implementation  
16 timeline requiring all cafeterias at the campuses of the  
17 university of northern Iowa, Iowa state university, the  
18 university of Iowa, and all community colleges to conform to  
19 specified dietary guidelines, and to establish purchasing  
20 preferences for local producers of food and local beverage  
21 providers.

22 The bill requires the task forces to submit their  
23 procurement policies and implementation timelines to the  
24 general assembly by January 2, 2015.

25 The department of administrative services, state board of  
26 regents, and department of education shall each adopt a plan  
27 requiring cafeteria conformity to the dietary guidelines and  
28 purchasing preferences for local producers by January 1, 2016.

29 Every five years, beginning in 2019, the department of  
30 administrative services and the department of public health  
31 shall review and update the dietary guidelines to reflect  
32 advancements in nutrition science, dietary data, and food  
33 product availability.



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House File 2351 - Introduced

HOUSE FILE 2351  
BY COMMITTEE ON VETERANS  
AFFAIRS

(SUCCESSOR TO HSB 614)

A BILL FOR

1 An Act relating to the fees for special registration plates  
2 associated with military service.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 35A.11, Code 2014, is amended to read as  
2 follows:

3 **35A.11 Veterans license fee fund.**

4 1. A veterans license fee fund is created in the state  
5 treasury under the control of the commission. Notwithstanding  
6 section 12C.7, interest or earnings on moneys in the veterans  
7 license fee fund shall be credited to the veterans license fee  
8 fund. Moneys in the fund are appropriated to the commission to  
9 be used to fulfill the responsibilities of the commission.

10 2. The fund created in this section shall include the  
11 fees credited by the treasurer of state from the sale annual  
12 validation of the following special motor vehicle registration  
13 plates:

14 ~~1. Veteran special plates issued pursuant to section~~  
15 ~~321.34, subsection 13, paragraph "d".~~

16 ~~2. a.~~ National guard special plates issued pursuant to  
17 section 321.34, subsection 16.

18 ~~3. b.~~ Pearl Harbor special plates issued pursuant to  
19 section 321.34, subsection 17.

20 ~~4. c.~~ Purple heart special plates issued pursuant to  
21 section 321.34, subsection 18.

22 ~~5. d.~~ United States armed forces retired special plates  
23 issued pursuant to section 321.34, subsection 19.

24 ~~6. e.~~ Silver star and bronze star special plates issued  
25 pursuant to section 321.34, subsection 20.

26 ~~7. f.~~ Distinguished service cross, navy cross, and air  
27 force cross special plates issued pursuant to section 321.34,  
28 subsection 20A.

29 ~~8. g.~~ Soldier's medal, navy and marine corps medal, and  
30 airman's medal special plates issued pursuant to section  
31 321.34, subsection 20B.

32 ~~9. h.~~ Combat infantryman badge, combat action badge,  
33 combat action ribbon, air force combat action medal, and  
34 combat medical badge plates issued pursuant to section 321.34,  
35 subsection 20C.

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1     10. i. Gold star special plates issued pursuant to section  
2 321.34, subsection 24.

3 j. United States veteran special plates issued pursuant to  
4 section 321.34, subsection 27.

5       Sec. 2.   Section 321.34, subsection 16, paragraph a, Code  
6   2014, is amended to read as follows:

7 a. An owner referred to in subsection 12 who is a member  
8 of the national guard, as defined in chapter 29A, may,  
9 upon written application to the department, order special  
10 registration plates with a national guard processed emblem  
11 with the emblem designed by the department in cooperation with  
12 the adjutant general which emblem signifies that the applicant  
13 is a member of the national guard. The application shall be  
14 approved by the department in consultation with the adjutant  
15 general. The special plate fees collected by the director  
16 under subsection 12, ~~paragraphs~~ paragraph "a" and "c", from  
17 ~~the issuance and annual validation of letter-number designated~~  
18 national guard plates, and subsection 12, paragraph "c", from  
19 the issuance and annual validation of personalized national  
20 guard plates shall be paid monthly to the treasurer of state  
21 and deposited in the road use tax fund. The treasurer of state  
22 shall transfer monthly from the statutory allocations fund  
23 created under section 321.145, subsection 2, to the veterans  
24 license fee fund created in section 35A.11 the amount of the  
25 special fees collected under subsection 12, paragraph "a",  
26 in the previous month for national guard plates. Special  
27 registration plates with a national guard processed emblem  
28 shall be surrendered, as provided in subsection 12, in exchange  
29 for regular registration plates upon termination of the owner's  
30 membership in the active national guard.

31     Sec. 3.   Section 321.34, subsection 16, Code 2014, is amended  
32 by adding the following new paragraph:

33 NEW PARAGRAPH. *Ob.* Notwithstanding subsection 12, paragraph  
34 "a", an owner who is approved for special registration plates  
35 under this subsection shall be issued one set of special

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1 registration plates with a national guard processed emblem at  
2 no charge.

3 Sec. 4. Section 321.34, subsection 17, paragraph a, Code  
4 2014, is amended to read as follows:

5 a. An owner referred to in subsection 12 who was at Pearl  
6 Harbor, Hawaii, as a member of the armed services of the United  
7 States on December 7, 1941, may, upon written application to  
8 the department, order special registration plates with a Pearl  
9 Harbor processed emblem. The emblem shall be designed by the  
10 department in consultation with service organizations. The  
11 application is subject to approval by the department. The  
12 special plate fees collected by the director under subsection  
13 12, ~~paragraphs paragraph~~ "a" and "c", from the ~~issuance and~~  
14 annual validation of letter-number designated Pearl Harbor  
15 plates, and subsection 12, paragraph "c", from the issuance and  
16 annual validation of personalized Pearl Harbor plates shall  
17 be paid monthly to the treasurer of state and deposited in  
18 the road use tax fund. The treasurer of state shall transfer  
19 monthly from the statutory allocations fund created under  
20 section 321.145, subsection 2, to the veterans license fee  
21 fund created in section 35A.11 the amount of the special fees  
22 collected under subsection 12, paragraph "a", in the previous  
23 month for Pearl Harbor plates.

24 Sec. 5. Section 321.34, subsection 17, Code 2014, is amended  
25 by adding the following new paragraph:

26 NEW PARAGRAPH. Ob. Notwithstanding subsection 12, paragraph  
27 "a", an owner who is approved for special registration plates  
28 under this subsection shall be issued one set of special  
29 registration plates with a Pearl Harbor processed emblem at no  
30 charge.

31 Sec. 6. Section 321.34, subsection 18, paragraph a, Code  
32 2014, is amended to read as follows:

33 a. An owner referred to in subsection 12 who was awarded  
34 a purple heart medal by the United States government for  
35 wounds received in military or naval combat against an armed

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1 enemy of the United States may, upon written application to  
2 the department and presentation of satisfactory proof of the  
3 award of the purple heart medal, order special registration  
4 plates with a purple heart processed emblem. The design of  
5 the emblem shall include a representation of a purple heart  
6 medal and ribbon. The application is subject to approval by  
7 the department in consultation with the adjutant general. The  
8 special plate fees collected by the director under subsection  
9 12, ~~paragraphs paragraph~~ "a" and "c", from the issuance and  
10 annual validation of letter-number designated purple heart  
11 plates, and subsection 12, paragraph "c", from the issuance and  
12 annual validation of personalized purple heart plates shall  
13 be paid monthly to the treasurer of state and deposited in  
14 the road use tax fund. The treasurer of state shall transfer  
15 monthly from the statutory allocations fund created under  
16 section 321.145, subsection 2, to the veterans license fee  
17 fund created in section 35A.11 the amount of the special fees  
18 collected under subsection 12, paragraph "a", in the previous  
19 month for purple heart plates.

20 Sec. 7. Section 321.34, subsection 18, Code 2014, is amended  
21 by adding the following new paragraph:

22 NEW PARAGRAPH. 0b. Notwithstanding subsection 12, paragraph  
23 "a", an owner who is approved for special registration plates  
24 under this subsection shall be issued one set of special  
25 registration plates with a purple heart processed emblem at no  
26 charge.

27 Sec. 8. Section 321.34, subsection 19, paragraph a, Code  
28 2014, is amended to read as follows:

29 a. An owner referred to in subsection 12 who is a retired  
30 member of the United States armed forces may, upon written  
31 application to the department and upon presentation of  
32 satisfactory proof of membership, order special registration  
33 plates with a United States armed forces retired processed  
34 emblem. The emblem shall be designed by the department in  
35 consultation with service organizations. The application is

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1 subject to approval by the department. For purposes of this  
2 subsection, a person is considered to be retired if the person  
3 is recognized by the United States armed forces as retired  
4 from the United States armed forces. The special plate fees  
5 collected by the director under subsection 12, ~~paragraphs~~  
6 paragraph "a" and "c", from the ~~issuance and~~ annual validation  
7 of letter-number designated armed forces retired plates, and  
8 subsection 12, paragraph "c", from the issuance and annual  
9 validation of personalized armed forces retired plates shall  
10 be paid monthly to the treasurer of state and deposited in  
11 the road use tax fund. The treasurer of state shall transfer  
12 monthly from the statutory allocations fund created under  
13 section 321.145, subsection 2, to the veterans license fee  
14 fund created in section 35A.11 the amount of the special fees  
15 collected under subsection 12, paragraph "a", in the previous  
16 month for armed forces retired plates.

17 Sec. 9. Section 321.34, subsection 19, Code 2014, is amended  
18 by adding the following new paragraph:

19 NEW PARAGRAPH. *Ob.* Notwithstanding subsection 12, paragraph  
20 "a", an owner who is approved for special registration plates  
21 under this subsection shall be issued one set of special  
22 registration plates with an armed forces retired processed  
23 emblem at no charge.

24 Sec. 10. Section 321.34, subsection 20, paragraph a, Code  
25 2014, is amended to read as follows:

26 *a.* An owner referred to in subsection 12 who was awarded a  
27 silver or a bronze star by the United States government, may,  
28 upon written application to the department and presentation  
29 of satisfactory proof of the award of the silver or bronze  
30 star, order special registration plates with a silver or bronze  
31 star processed emblem. The emblem shall be designed by the  
32 department in consultation with the adjutant general. The  
33 special plate fees collected by the director under subsection  
34 12, ~~paragraphs~~ paragraph "a" and "c", from the ~~issuance and~~  
35 annual validation of letter-number designated silver star and

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1 bronze star plates, and subsection 12, paragraph "c", from the  
2 issuance and annual validation of personalized silver star and  
3 bronze star plates shall be paid monthly to the treasurer of  
4 state and deposited in the road use tax fund. The treasurer  
5 of state shall transfer monthly from the statutory allocations  
6 fund created under section 321.145, subsection 2, to the  
7 veterans license fee fund created in section 35A.11 the amount  
8 of the special fees collected under subsection 12, paragraph  
9 "a", in the previous month for silver star and bronze star  
10 plates.

11 Sec. 11. Section 321.34, subsection 20, Code 2014, is  
12 amended by adding the following new paragraph:

13 NEW PARAGRAPH. *Ob.* Notwithstanding subsection 12, paragraph  
14 "a", an owner who is approved for special registration plates  
15 under this subsection shall be issued one set of special  
16 registration plates with a silver star or bronze star processed  
17 emblem at no charge.

18 Sec. 12. Section 321.34, subsection 20A, paragraph a, Code  
19 2014, is amended to read as follows:

20 *a.* An owner referred to in subsection 12 who was awarded  
21 a distinguished service cross, a navy cross, or an air force  
22 cross by the United States government may, upon written  
23 application to the department and presentation of satisfactory  
24 proof of the award, order special registration plates with  
25 a distinguished service cross, navy cross, or air force  
26 cross processed emblem. The emblem shall be designed by the  
27 department in consultation with the adjutant general. The  
28 special plate fees collected by the director under subsection  
29 12, paragraphs paragraph "a" and "c", from the issuance and  
30 annual validation of letter-number designated distinguished  
31 service cross, navy cross, and air force cross plates, and  
32 subsection 12, paragraph "c", from the issuance and annual  
33 validation of personalized distinguished service cross, navy  
34 cross, and air force cross plates shall be paid monthly to the  
35 treasurer of state and deposited in the road use tax fund. The



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1 treasurer of state shall transfer monthly from the statutory  
2 allocations fund created under section 321.145, subsection 2,  
3 to the veterans license fee fund created in section 35A.11  
4 the amount of the special fees collected under subsection 12,  
5 paragraph "a", in the previous month for distinguished service  
6 cross, navy cross, and air force cross plates.

7 Sec. 13. Section 321.34, subsection 20A, Code 2014, is  
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. *Ob.* Notwithstanding subsection 12, paragraph  
10 "a", an owner who is approved for special registration plates  
11 under this subsection shall be issued one set of special  
12 registration plates with a distinguished service cross, navy  
13 cross, or air force cross processed emblem at no charge.

14 Sec. 14. Section 321.34, subsection 20B, paragraph a, Code  
15 2014, is amended to read as follows:

16 *a.* An owner referred to in subsection 12 who was awarded a  
17 soldier's medal, a navy and marine corps medal, or an airman's  
18 medal by the United States government may, upon written  
19 application to the department and presentation of satisfactory  
20 proof of the award, order special registration plates with  
21 a soldier's medal, navy and marine corps medal, or airman's  
22 medal processed emblem. The emblem shall be designed by the  
23 department in consultation with the adjutant general. The  
24 special plate fees collected by the director under subsection  
25 12, ~~paragraphs paragraph "a" and "c", from the issuance and~~  
26 annual validation of letter-number designated soldier's medal,  
27 navy and marine corps medal, and airman's medal plates, and  
28 subsection 12, paragraph "c", from the issuance and annual  
29 validation of personalized soldier's medal, navy and marine  
30 corps medal, and airman's medal plates shall be paid monthly  
31 to the treasurer of state and deposited in the road use tax  
32 fund. The treasurer of state shall transfer monthly from the  
33 statutory allocations fund created under section 321.145,  
34 subsection 2, to the veterans license fee fund created in  
35 section 35A.11 the amount of the special fees collected

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1 under subsection 12, paragraph "a", in the previous month for  
2 soldier's medal, navy and marine corps medal, and airman's  
3 medal plates.

4 Sec. 15. Section 321.34, subsection 20B, Code 2014, is  
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. 0b. Notwithstanding subsection 12, paragraph  
7 "a", an owner who is approved for special registration plates  
8 under this subsection shall be issued one set of special  
9 registration plates with a soldier's medal, navy and marine  
10 corps medal, or airman's medal processed emblem at no charge.

11 Sec. 16. Section 321.34, subsection 20C, paragraph b, Code  
12 2014, is amended to read as follows:

13 b. An owner referred to in subsection 12 who was awarded a  
14 combat infantryman badge, combat action badge, combat action  
15 ribbon, air force combat action medal, or combat medical  
16 badge by the United States government may, upon written  
17 application to the department and presentation of satisfactory  
18 proof of the award, order special registration plates with a  
19 combat infantryman badge, combat action badge, combat action  
20 ribbon, air force combat action medal, or combat medical badge  
21 processed emblem. The special plate fees collected by the  
22 director under subsection 12, paragraphs paragraph "a" and  
23 "c", from the issuance and annual validation of letter-number  
24 designated combat infantryman badge, combat action badge,  
25 combat action ribbon, air force combat action medal, and  
26 combat medical badge plates, and subsection 12, paragraph  
27 "c", from the issuance and annual validation of personalized  
28 combat infantryman badge, combat action badge, combat action  
29 ribbon, air force combat action medal, and combat medical badge  
30 plates shall be paid monthly to the treasurer of state and  
31 deposited in the road use tax fund. The treasurer of state  
32 shall transfer monthly from the statutory allocations fund  
33 created under section 321.145, subsection 2, to the veterans  
34 license fee fund created in section 35A.11 the amount of the  
35 special fees collected under subsection 12, paragraph "a", in



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1 the previous month for combat infantryman badge, combat action  
2 badge, combat action ribbon, air force combat action medal, and  
3 combat medical badge plates.

4 Sec. 17. Section 321.34, subsection 20C, Code 2014, is  
5 amended by adding the following new paragraph:

6 NEW PARAGRAPH. *0c.* Notwithstanding subsection 12, paragraph  
7 "*a*", an owner who is approved for special registration plates  
8 under this subsection shall be issued one set of special  
9 registration plates with a combat infantryman badge, combat  
10 action badge, combat action ribbon, air force combat action  
11 medal, and combat medical badge distinguishing processed emblem  
12 at no charge.

13 Sec. 18. Section 321.34, subsection 24, Code 2014, is  
14 amended to read as follows:

15 24. *Gold star plates.*

16 a. An owner referred to in subsection 12 who is the  
17 surviving spouse, parent, child, or sibling of a deceased  
18 member of the United States armed forces who died while serving  
19 on active duty during a time of military conflict or who died  
20 as a result of such service may order special registration  
21 plates bearing a gold star emblem upon written application  
22 to the department accompanied by satisfactory supporting  
23 documentation as determined by the department. The gold star  
24 emblem shall be designed by the department in cooperation with  
25 the commission of veterans affairs. The special plate fees  
26 collected by the director under subsection 12, ~~paragraphs~~  
27 paragraph "*a*" and "*c*", from the issuance and annual validation  
28 of letter-number designated gold star plates, and subsection  
29 12, paragraph "*c*", from the issuance and annual validation of  
30 personalized gold star plates shall be paid monthly to the  
31 treasurer of state and deposited in the road use tax fund. The  
32 treasurer of state shall transfer monthly from the statutory  
33 allocations fund created under section 321.145, subsection 2,  
34 to the veterans license fee fund created in section 35A.11  
35 the amount of the special fees collected under subsection 12,

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1 paragraph "a", in the previous month for gold star plates.

2 b. Notwithstanding subsection 12, paragraph "a", an owner  
3 who is approved for special registration plates under this  
4 subsection shall be issued one set of special registration  
5 plates bearing a gold star emblem at no charge.

6 Sec. 19. Section 321.34, Code 2014, is amended by adding the  
7 following new subsection:

8 NEW SUBSECTION. 27. *United States veteran plates.*

9 a. An owner referred to in subsection 12 who served in the  
10 armed forces of the United States and was discharged under  
11 honorable conditions may, upon written application to the  
12 department and upon presentation of satisfactory proof of  
13 military service and discharge under honorable conditions,  
14 order special registration plates bearing a distinguishing  
15 processed emblem depicting the word "veteran" below an image  
16 of the American flag. The application is subject to approval  
17 by the department. The special plate fees collected by the  
18 director under subsection 12, paragraph "a", from the annual  
19 validation of letter-number designated United States veteran  
20 plates, and subsection 12, paragraph "c", from the issuance  
21 and annual validation of personalized United States veteran  
22 plates, shall be paid monthly to the treasurer of state and  
23 deposited in the road use tax fund. The treasurer of state  
24 shall transfer monthly from the statutory allocations fund  
25 created under section 321.145, subsection 2, to the veterans  
26 license fee fund created in section 35A.11 the amount of the  
27 special fees collected under subsection 12, paragraph "a", in  
28 the previous month for United States veteran plates.

29 b. Notwithstanding subsection 12, paragraph "a", an owner  
30 who is approved for a special registration plate under this  
31 subsection shall be issued one set of special registration  
32 plates bearing a distinguishing processed emblem depicting  
33 the word "veteran" below an image of the American flag at no  
34 charge.

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1           The inclusion of this explanation does not constitute agreement with  
2           the explanation's substance by the members of the general assembly.

3       This bill relates to fees charged for special registration  
4 plates associated with military service.

5       The bill eliminates the special plate issuance fees charged  
6 for issuance of certain special motor vehicle registration  
7 plates associated with military service which are established  
8 statutorily. The affected plates are national guard plates;  
9 Pearl Harbor plates; purple heart plates; United States armed  
10 forces retired plates; silver star and bronze star plates;  
11 distinguished service cross, navy cross, and air force cross  
12 special plates; soldier's medal, navy and marine corps medal,  
13 and airman's medal special plates; and gold star plates. The  
14 bill also eliminates special plate issuance fees for United  
15 States veteran plates which were established by the department  
16 of transportation, in cooperation with the commission of  
17 veterans affairs, by administrative process. Under current  
18 law, the fee for issuance of the special plates named in Code  
19 is \$25. The issuance fee for United States veteran plates is  
20 \$35. The bill adds the United States armed forces veteran  
21 plate, which is currently established administratively, to the  
22 list of special motor vehicle registration plates established  
23 in Code section 321.34. The bill maintains transfers to the  
24 veterans license fee fund from the annual validation fees for  
25 special plates related to military service. The bill also  
26 makes additional corresponding changes.



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**House File 2352 - Introduced**

HOUSE FILE 2352  
BY COMMITTEE ON ECONOMIC  
GROWTH

(SUCCESSOR TO HSB 591)

**A BILL FOR**

1 An Act relating to the administration of certain economic  
2 development programs by the economic development authority  
3 and including effective date and retroactive applicability  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

INVESTMENT TAX CREDITS

Section 1. Section 15E.43, subsection 1, paragraph b, Code 2014, is amended to read as follows:

b. A tax credit shall be allowed only for an investment made in the form of cash to purchase equity in a qualifying business or in a community-based seed capital fund. A taxpayer that has received a tax credit for an investment in a community-based seed capital fund shall not claim the tax credit prior to the third tax year following the tax year in which the investment is made. Any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer redeems the tax credit.

Sec. 2. Section 15E.44, subsection 1, Code 2014, is amended to read as follows:

1. In order for an equity investment to qualify for a tax credit, the business in which the equity investment is made shall, within one hundred twenty days of the date of the first investment, notify the authority of the names, addresses, shares issued, consideration paid for the shares, and the amount of any tax credits, of all shareholders who may initially qualify for the tax credits, ~~and the earliest year in which the tax credits may be redeemed.~~ The list of shareholders who may qualify for the tax credits shall be amended as new equity investments are sold or as any information on the list shall change.

Sec. 3. Section 15E.44, subsection 2, paragraph f, Code 2014, is amended to read as follows:

f. The business shall have secured, ~~within twenty-four months following the first date on which the equity investments qualifying for tax credits have been made,~~ total equity or financing, near equity financing, binding investment commitments, or some combination thereof, equal to at least two

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1 hundred fifty thousand dollars.

2 Sec. 4. Section 15E.45, subsection 3, paragraph a,  
3 subparagraph (3), Code 2014, is amended by striking the  
4 subparagraph and inserting in lieu thereof the following:

5 (3) Any other information required by the authority.

6 Sec. 5. Section 15E.45, subsection 6, Code 2014, is amended  
7 to read as follows:

8 6. In the event that a community-based seed capital  
9 fund fails to meet or maintain any requirement set forth in  
10 this section, or in the event that at least thirty-three  
11 percent of the invested capital of the community-based seed  
12 capital fund has not been invested in one or more separate  
13 qualifying businesses, measured at the end of the ~~forty-eighth~~  
14 thirty-sixth month after commencing the fund's investing  
15 activities, the authority shall rescind any tax credit  
16 certificates issued to limited partners or members and shall  
17 notify the department of revenue that it has done so, and the  
18 tax credit certificates shall be null and void. ~~However, a~~ A  
19 community-based seed capital fund may apply to the authority  
20 for a one-year waiver of the requirements of this subsection.  
21 Sec. 6. RETROACTIVE APPLICABILITY. This division of this  
22 Act applies retroactively to January 1, 2014, for tax years  
23 beginning and investments made on or after that date.

24 DIVISION II

25 TARGETED SMALL BUSINESS ASSISTANCE

26 Sec. 7. 2013 Iowa Acts, chapter 13, section 10, subsections  
27 1 and 2, are amended to read as follows:

28 1. Upon repeal of the targeted small business financial  
29 assistance program established in section 15.247, the authority  
30 shall transfer all unencumbered and unobligated moneys accruing  
31 to the authority pursuant to existing agreements to a fund  
32 established by the authority in the state treasury under  
33 the control of the authority pursuant to section 15.106A,  
34 subsection 1, paragraph "o", to be used for the purposes of  
35 providing assistance to targeted small businesses pursuant to

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1 ~~subsection~~ subsections 3 and 4 of this section of this Act.  
2 2. Loan payments or repayments and recaptures of principal,  
3 interest, or other moneys accruing to the authority on or after  
4 June 30, 2013, pursuant to an agreement under section 15.247,  
5 shall be transferred to a fund established by the authority in  
6 the state treasury under the control of the authority pursuant  
7 to section 15.106A, subsection 1, paragraph "o", to be used  
8 for the purposes of providing assistance to targeted small  
9 businesses pursuant to ~~subsection~~ subsections 3 and 4 of this  
10 section of this Act.

11 Sec. 8. 2013 Iowa Acts, chapter 13, section 10, subsection  
12 3, paragraph c, is amended to read as follows:

13 c. The authority shall, upon completion of the initial  
14 performance period and the other applicable terms of the  
15 agreement with the microloan service provider, submit a report  
16 to the general assembly and the governor's office describing  
17 the results achieved by the service provider and shall make  
18 recommendations as to whether the state should continue to  
19 provide funds for future fiscal years for the purpose of  
20 providing financial and technical assistance to targeted  
21 small businesses through the services of a microloan service  
22 provider. The report shall also include the results achieved  
23 by the program established to assist entities in developing a  
24 statewide initiative designed to increase the number of female  
25 entrepreneurs in the state pursuant to subsection 4.

26 Sec. 9. 2013 Iowa Acts, chapter 13, section 10, is amended  
27 by adding the following new subsection:

28 NEW SUBSECTION. 4. a. From the moneys transferred pursuant  
29 to subsections 1 and 2, the authority may use amounts not  
30 allocated for purposes of subsection 3 for purposes of this  
31 subsection.

32 b. The authority may establish a program to assist one  
33 or more private sector entities in implementing a multiyear  
34 statewide initiative designed to increase the number of female  
35 entrepreneurs in the state. Such an initiative shall target

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1 at least ten communities around the state, both urban and  
2 rural, for training and discussion on the personal, legal,  
3 and financial aspects of starting and operating a small  
4 business. The initiative shall also provide for individual  
5 mentoring, access to matched savings accounts intended to be  
6 used for the start or expansion of a small business by a female  
7 entrepreneur, and specialized topical workshops useful to  
8 female entrepreneurs.

9 c. A targeted small business owned, operated, and actively  
10 managed by one or more women that is receiving assistance under  
11 subsection 3 is also eligible to receive assistance under this  
12 subsection.

13 d. The program established pursuant to this subsection  
14 shall be implemented, to the extent practicable, in a manner  
15 that complements the program established pursuant to subsection  
16 3. Results achieved by the program established pursuant to  
17 this subsection shall be included in the report prepared  
18 pursuant to subsection 3.

19 Sec. 10. EFFECTIVE UPON ENACTMENT. This division of this  
20 Act, being deemed of immediate importance, takes effect upon  
21 enactment.

22 DIVISION III

23 STRATEGIC INFRASTRUCTURE PROGRAM

24 Sec. 11. Section 15.117A, subsection 6, Code 2014, is  
25 amended by adding the following new paragraph:

26 NEW PARAGRAPH. f. Review and make recommendations on all  
27 applications received by the authority for financial assistance  
28 under the Iowa strategic infrastructure program pursuant to  
29 section 15.313.

30 Sec. 12. Section 15.311, Code 2014, is amended to read as  
31 follows:

32 15.311 Title.

33 This part shall be known as the "*Iowa Strategic Investment*  
34 ~~Fund~~" *Infrastructure*" program.

35 Sec. 13. Section 15.313, subsection 1, Code 2014, is amended

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1 to read as follows:

2 1. a. ~~An Iowa strategic investment fund is created~~ The  
3 authority shall establish a fund pursuant to section 15.106A,  
4 subsection 1, paragraph "o", for purposes of financing  
5 strategic infrastructure projects as described in this  
6 section. A fund established for purposes of this section may  
7 be administered as a revolving fund consisting and may consist  
8 of any money moneys appropriated by the general assembly for  
9 that purpose purposes of this section and any other moneys  
10 that are lawfully available to and obtained or accepted by  
11 the authority, from the federal government or private sources  
12 for placement in the fund including moneys transferred or  
13 deposited from other funds created pursuant to section 15.106A,  
14 subsection 1, paragraph "o".

15 b. Notwithstanding section 8.33, moneys in ~~the strategic~~  
16 ~~investment~~ a fund established for purposes of this section  
17 at the end of each fiscal year shall not revert to any other  
18 fund but shall remain in the strategic investment fund for  
19 expenditure for subsequent fiscal years.

20 c. Moneys in a fund established for purposes of this section  
21 may be transferred to other funds created pursuant to section  
22 15.106A, subsection 1, paragraph "o".

23 Sec. 14. Section 15.313, subsection 2, unnumbered paragraph  
24 1, Code 2014, is amended to read as follows:

25 ~~The assets of the fund program~~ shall be used by the authority  
26 to assist in provide financial assistance for strategic  
27 infrastructure projects that are intended to lead to relocation  
28 or expansion projects for existing businesses as well as  
29 entrepreneurial start-up and expansion projects financial  
30 assistance for new businesses. Moneys in the fund shall  
31 be used for projects designed to meet any of the following  
32 purposes:

33 Sec. 15. Section 15.313, subsection 2, paragraphs a, b, c,  
34 d, e, and f, Code 2014, are amended by striking the paragraphs.

35 Sec. 16. Section 15.313, Code 2014, is amended by adding the



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1 following new subsection:

2 NEW SUBSECTION. 2A. The Iowa innovation council shall  
3 review each application received by the economic development  
4 authority for financial assistance under the program and  
5 shall make recommendations to the board regarding all of the  
6 following:

7 *a.* The completeness of the application.

8 *b.* Whether the board should approve an application for  
9 financial assistance, and if so, the amount of such financial  
10 assistance.

11 Sec. 17. Section 15.313, subsection 3, Code 2014, is amended  
12 by striking the subsection and inserting in lieu thereof the  
13 following:

14 3. For purposes of this section, unless the context  
15 otherwise requires:

16 *a.* "*Financial assistance*" means the same as defined in  
17 section 15.102.

18 *b.* "*Strategic infrastructure*" means projects that develop  
19 commonly utilized assets that provide an advantage to one  
20 or more private sector entities or that create necessary  
21 physical infrastructure in the state, and such projects are  
22 not adequately provided by the public or private sectors.  
23 Such projects may include vertical improvement developments,  
24 facilities and equipment upgrades, or the redevelopment or  
25 repurposing of underutilized property or other assets, provided  
26 that each project is intended to attract additional public or  
27 private sector investment and result in broad-based prosperity  
28 in this state.

29 *c.* "*Vertical improvement*" means the same as defined in  
30 section 15J.2.

31 Sec. 18. Section 15.313, Code 2014, is amended by adding the  
32 following new subsection:

33 NEW SUBSECTION. 4. The authority shall adopt rules to  
34 implement and administer this section. In adopting such rules,  
35 the authority shall narrowly construe the provisions of this





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1 section.

2 Sec. 19. Section 15.335B, subsection 2, paragraph a, Code  
3 2014, is amended by adding the following new subparagraph:

4 NEW SUBPARAGRAPH. (7) For deposit in a fund created for  
5 purposes of the strategic infrastructure program established  
6 pursuant to section 15.313.

7 Sec. 20. Section 384.4, subsection 1, paragraph b, Code  
8 2014, is amended by striking the paragraph.

9 Sec. 21. 2011 Iowa Acts, chapter 133, section 13A, as  
10 enacted by 2013 Iowa Acts, chapter 142, section 7, is amended  
11 to read as follows:

12 SEC. 13A. TRANSITION UPON REPEAL.

13 1. Any moneys in the economic development fund created  
14 pursuant to section 15G.111, Code Supplement 2011, that  
15 remain unobligated on July 1, 2013, shall be transferred to  
16 the rebuild Iowa infrastructure fund. The authority shall  
17 provide notification to the department of management and to the  
18 legislative services agency at the time of the transfer.

19 2. Loan payments or repayments and recaptures of principal,  
20 interest, or other moneys accruing to the authority on or after  
21 July 1, 2013, pursuant to an agreement under chapter 15G,  
22 subchapter I, shall be transferred by the authority to a fund  
23 established by the authority in the state treasury pursuant to  
24 section 15.106A, subsection 1, paragraph "o".

25 3. The authority may use any moneys accruing pursuant to  
26 subsection 2 for purposes of section 15.313.

27 Sec. 22. REPEAL. Section 15E.120, Code 2014, is repealed.

28 Sec. 23. RETROACTIVE APPLICABILITY. The section of this  
29 division of this Act amending 2011 Iowa Acts, chapter 133,  
30 section 13A, as enacted by 2013 Iowa Acts, chapter 142, section  
31 7, applies retroactively to July 1, 2013.

32 DIVISION IV

33 ENDOW IOWA PROGRAM

34 Sec. 24. Section 15E.303, subsection 4, Code 2014, is  
35 amended to read as follows:

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1 4. *"Endow Iowa qualified community foundation"* means a  
2 community foundation organized or operating in this state that  
3 ~~substantially complies with~~ attains the national standards  
4 established by the national council on foundations as  
5 determined by the authority in collaboration with the Iowa  
6 council of foundations.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with  
9 the explanation's substance by the members of the general assembly.

10 This bill relates to economic development programs by  
11 modifying the administration of investment tax credits for  
12 investments in community-based seed capital funds or qualifying  
13 businesses, targeted small business assistance, the strategic  
14 investment fund program, and the endow Iowa program, and  
15 properly related matters.

16 Division I of the bill eliminates the prohibition on a  
17 taxpayer claiming the investment tax credit for an equity  
18 investment in a qualifying business earlier than the third  
19 tax year following the tax year in which the investment was  
20 made. The bill eliminates the 24-month requirement for a  
21 qualifying business under the investment tax credits program  
22 to secure total equity or near equity financing and adds  
23 that a qualifying business may also use binding investment  
24 commitments, or a combination of the equity and investment  
25 commitments to demonstrate that it has met the requirement  
26 in current Code to secure at least \$250,000. The bill also  
27 changes the date by which a community-based seed capital fund  
28 must invest in a separate qualifying business from 48 months  
29 after commencing the fund's investing activities to 36 months  
30 after commencing the fund's investing activities.

31 Division I applies retroactively to January 1, 2014, for tax  
32 years beginning on or after that date and investments made on  
33 or after that date.

34 Division II of the bill allows moneys transferred from the  
35 targeted small business financial assistance program, which

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1 was repealed in the 2013 legislative session, that are not  
2 allocated for the procurement of a microloan service provider  
3 to assist targeted small businesses to be used to establish a  
4 program to assist one or more private entities in implementing  
5 an initiative to increase the number of female entrepreneurs in  
6 the state. A program created for this purpose must complement  
7 the current microloan service provider program which provides  
8 financial and technical assistance to targeted small businesses  
9 at a discounted rate. A targeted small business that is owned,  
10 operated, and managed by a woman and that is receiving the  
11 services of a microloan service provider may also receive  
12 assistance from the statewide initiative.

13 Division II takes effect upon enactment.

14 Division III of the bill makes changes to the strategic  
15 investment fund program. The bill changes the name of the  
16 program from the Iowa strategic investment fund program to the  
17 Iowa strategic infrastructure program, and allows the authority  
18 to establish a fund under its general authority for the purpose  
19 of financing strategic infrastructure projects.

20 Under current law, a strategic investment fund is created  
21 and the fund's assets are required to be used for relocation or  
22 expansion projects for existing businesses and entrepreneurial  
23 start-up and expansion projects that meet purposes specified in  
24 statute. The bill eliminates these provisions and requires the  
25 fund created by the authority to be used to provide financial  
26 assistance for relocation or expansion projects for existing  
27 businesses as well as financial assistance for new businesses.  
28 The bill also allows the moneys in the fund to be transferred  
29 to other funds created by the authority, and allows the fund  
30 to receive transfers from other funds, generally, and from  
31 a fund created under the high quality jobs program in Code  
32 section 15.335B, specifically. The bill provides definitions  
33 for "financial assistance", "strategic infrastructure", and  
34 "vertical improvement".

35 The bill requires the Iowa innovation council to review

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1 each application for financial assistance under the strategic  
2 infrastructure program and make a recommendation to the  
3 economic development authority board on whether the application  
4 is complete, whether the board should approve an application,  
5 and the amount of the financial assistance to be awarded, if  
6 any.

7 The bill repeals a provision relating to loan repayments  
8 under the former Iowa community development loan program that  
9 included a reference to the strategic investment fund.

10 The bill requires the authority to transfer loan payments  
11 or repayments and recaptures of principal, interest, or other  
12 moneys accruing to the authority as a result of an agreement  
13 made pursuant to Code chapter 15G, subchapter I, the grow  
14 Iowa financial assistance program, to a fund created by the  
15 authority. This provision of the bill applies retroactively to  
16 July 1, 2013. The bill allows the authority to use any moneys  
17 transferred pursuant to this provision of the bill for purposes  
18 of the strategic infrastructure program.

19 Division IV of the bill makes changes to the endow Iowa  
20 program. The bill requires an endow Iowa qualified community  
21 foundation to attain national standards established by the  
22 national council on foundations rather than substantially  
23 comply with those standards.



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**House File 2353 - Introduced**

HOUSE FILE 2353  
BY COMMITTEE ON ECONOMIC  
GROWTH

(SUCCESSOR TO HSB 638)

**A BILL FOR**

1 An Act providing for the creation of first-time homebuyer  
2 savings accounts in Iowa, including related individual  
3 income tax exemptions, making penalties applicable, and  
4 including effective date and applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1     Section 1. NEW SECTION. 12I.1 Short title.  
2     This chapter may be cited as the "*Iowa First-time Homebuyer*  
3 *Savings Account Act*".  
4     Sec. 2. NEW SECTION. 12I.2 Definitions.  
5     As used in this chapter, unless the context otherwise  
6 requires:  
7     1. "*Account administrator*" means one of the following:  
8     a. A state or federally chartered bank, savings and loan  
9 association, credit union, or trust company in this state.  
10    b. A certified public accountant or licensed public  
11 accountant, as those terms are defined in section 542.3.  
12    c. An account holder.  
13    2. "*Account holder*" means a first-time homebuyer who is a  
14 resident of this state and who establishes, either individually  
15 or jointly with the resident's spouse who is also a first-time  
16 homebuyer, a first-time homebuyer savings account. A person  
17 ceases to be an account holder following the purchase of a  
18 principal residence after the establishment of a first-time  
19 homebuyer savings account.  
20    3. "*Business day*" means a day other than a Saturday, Sunday,  
21 or federal holiday.  
22    4. "*Eligible costs*" means the down payment and allowable  
23 closing costs for the purchase of a principal residence in Iowa  
24 which principal residence is purchased after the establishment  
25 of the first-time homebuyer savings account.  
26    5. "*First-time homebuyer*" means an individual who has never  
27 owned or purchased under contract for deed, either individually  
28 or jointly, a single-family, owner-occupied residence,  
29 including but not limited to a manufactured or mobile home that  
30 is assessed and taxed as real estate or taxed under chapter  
31 435 or taxed under other similar law of another state, or a  
32 condominium unit.  
33    6. "*First-time homebuyer savings account*" means an account  
34 established with a state or federally chartered bank, savings  
35 and loan association, credit union, or trust company in this

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1 state to finance the purchase of a principal residence in this  
2 state.

3 7. "*Principal residence*" means a single-family,  
4 owner-occupied residence in the state that will be the  
5 principal place of residence of the account holder, whether  
6 owned or purchased under contract for deed by the account  
7 holder, individually or jointly. "*Principal residence*" includes  
8 but is not limited to a manufactured home or mobile home that  
9 is assessed and taxed as real estate or taxed under chapter  
10 435, and a condominium unit.

11 8. "*Resident*" means the same as defined in section 422.4.

12 Sec. 3. NEW SECTION. 12I.3 First-time homebuyer savings  
13 account.

14 1. *Establishment.*

15 a. A first-time homebuyer who is a resident of this  
16 state may establish, either individually or jointly with  
17 the resident's spouse who is also a first-time homebuyer, a  
18 first-time homebuyer savings account to finance the purchase  
19 of a principal residence. Married taxpayers electing to file  
20 separate tax returns or separately on a combined tax return  
21 shall not establish or maintain a joint first-time homebuyer  
22 savings account.

23 b. The account holder who establishes the first-time  
24 homebuyer savings account, individually or jointly, is the  
25 owner of the account.

26 c. A first-time homebuyer savings account shall be an  
27 interest-bearing savings account.

28 d. A financial institution shall not be responsible for  
29 the use or application of funds within a first-time homebuyer  
30 savings account solely because the account is held at that  
31 financial institution.

32 2. *Use by account holder.*

33 a. The account holder shall use the money in the first-time  
34 homebuyer savings account for eligible costs related to the  
35 purchase of a principal residence within ten years following

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1 the year in which the account is first established.  
2     *b.* An account holder shall not contribute to a first-time  
3 homebuyer savings account for a period exceeding ten years.  
4     *c.* There is no limitation on the amount of contributions  
5 that may be made to or retained in a first-time homebuyer  
6 savings account.  
7     3. *Administration.*  
8     *a.* An account administrator shall administer the first-time  
9 homebuyer savings account and has a fiduciary duty to the  
10 person for whose benefit the account is administered.  
11     *b.* Within thirty days after an account administrator begins  
12 administering a first-time homebuyer savings account, the  
13 account administrator shall notify, in writing, each account  
14 holder on whose behalf the account administrator administers  
15 the account of the date of the last business day of the  
16 calendar year.  
17     *c.* (1) An account administrator shall use funds held in a  
18 first-time homebuyer savings account only for the purpose of  
19 making withdrawals at the request of the account holder and for  
20 paying the expenses of administering the account.  
21     (2) If the account holder is subject to the withdrawal  
22 penalty in section 422.7, subsection 57, paragraph "c",  
23 subparagraph (1), the account administrator shall withhold the  
24 amount of the penalty from the amounts withdrawn and shall  
25 remit the amount to the department of revenue in the same  
26 manner as provided in section 422.16, subsection 2.  
27     (3) Notwithstanding section 422.16, subsection 4,  
28 an account administrator shall not be held personally,  
29 individually, or corporately liable for the failure to  
30 withhold and remit a withdrawal penalty from a withdrawal made  
31 at the request of the account holder for which the account  
32 administrator relied in good faith on documentation submitted  
33 by the account holder of eligible costs paid or owed by the  
34 account holder in the calendar year. The burden of proving  
35 that a withdrawal from a first-time homebuyer savings account





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1 was made for eligible costs is upon the account holder and not  
2 upon the account administrator.

3 *d.* Within thirty days of being furnished proof of death of  
4 the account holder, the account administrator shall distribute  
5 any amount remaining in the first-time homebuyer savings  
6 account to the estate of the account holder or to a transfer  
7 on death or pay on death beneficiary of the account properly  
8 designated by the account holder with the financial institution  
9 at which the first-time homebuyer savings account is held.

10 *e.* In the case of an account administrator who is also the  
11 account holder, all of the following apply:

12 (1) Notice by the account administrator to the account  
13 holder under paragraph "b" is not required.

14 (2) The account administrator shall not use funds held  
15 in a first-time homebuyer savings account to pay expenses of  
16 administering the account, except that a service fee may be  
17 charged to the account by the financial institution where the  
18 account is held.

19 (3) Documentation regarding the segregation of funds in  
20 a first-time homebuyer savings account from other funds and  
21 documentation regarding eligible costs for the purchase of  
22 a principal residence shall be maintained by the account  
23 administrator.

24 (4) The account administrator shall file reports with the  
25 department of revenue as reasonably required by the department  
26 of revenue.

27 (5) Paragraph "c", subparagraph (3), shall not apply. The  
28 account administrator is required to remit the withdrawal  
29 penalty in section 422.7, subsection 57, paragraph "c",  
30 subparagraph (1), if assessed, to the department of revenue in  
31 the same manner as provided in section 422.16, subsection 2.

32 4. *Penalties.* A person who knowingly prepares or causes to  
33 be prepared a false claim, statement, or billing to justify the  
34 withdrawal of money from a first-time homebuyer savings account  
35 is guilty of a serious misdemeanor for each violation.

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1     Sec. 4. NEW SECTION. 12I.4 Tax considerations.

2     The state income tax treatment of a first-time homebuyer  
3 savings account shall be as provided in section 422.7,  
4 subsection 57.

5     Sec. 5. NEW SECTION. 12I.5 Rules.

6     The department of revenue and the treasurer of state shall  
7 each adopt rules to jointly implement and administer this  
8 chapter.

9     Sec. 6. Section 422.7, Code 2014, is amended by adding the  
10 following new subsection:

11     NEW SUBSECTION. 57. a. Subtract the amount of  
12 contributions made by an account holder to the account holder's  
13 first-time homebuyer savings account during the tax year, not  
14 to exceed three thousand dollars per individual per tax year,  
15 or six thousand dollars per tax year for a married couple who  
16 have a joint first-time homebuyer savings account and file a  
17 joint return. An amount of contributions made during a tax  
18 year in excess of three thousand dollars, or six thousand  
19 dollars, as applicable, may be subtracted by an account holder  
20 in a subsequent tax year, provided the total exemption under  
21 this paragraph for the subsequent tax year does not exceed  
22 three thousand dollars, or six thousand dollars, as applicable.  
23 This paragraph shall not apply to an account holder more  
24 than ten years after the account holder first establishes a  
25 first-time homebuyer savings account.

26     b. Subtract, to the extent included, income from interest  
27 and earnings received from an account holder's first-time  
28 homebuyer savings account. This paragraph shall not apply to  
29 any interest and earnings received by an account holder more  
30 than ten years after the account holder first establishes a  
31 first-time homebuyer savings account.

32     c. (1) Add, to the extent previously subtracted under  
33 paragraph "a", the amount resulting from a withdrawal made from  
34 a first-time homebuyer savings account for purposes other than  
35 the payment of eligible costs of the account holder. If the

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1 withdrawal is made on a day other than the last business day  
2 of the calendar year, such withdrawal shall also be assessed a  
3 penalty in an amount equal to ten percent of the amount of the  
4 withdrawal. The penalty shall not apply to withdrawals made on  
5 account of the death of the account holder.

6 (2) For purposes of this paragraph "c", any amount remaining  
7 in a first-time homebuyer savings account of an account holder  
8 on the day after the purchase of a principal residence or the  
9 last business day of the tenth calendar year following the  
10 calendar year in which the account holder first establishes a  
11 first-time homebuyer savings account, whichever occurs first,  
12 shall be considered a withdrawal under subparagraph (1).

13 (3) For purposes of this paragraph "c", the following shall  
14 not be considered a withdrawal under subparagraph (1):

15 (a) Any amount transferred between different first-time  
16 homebuyer savings accounts of the same account holder by a  
17 person other than the account holder.

18 (b) Any amounts withdrawn or otherwise transferred from a  
19 first-time homebuyer savings account pursuant to an order in  
20 bankruptcy.

21 d. For purposes of this subsection, "account holder",  
22 "business day", "eligible costs", and "first-time homebuyer  
23 savings account" all mean the same as defined in section 12I.2.

24 Sec. 7. EFFECTIVE DATE. This Act takes effect January 1,  
25 2015.

26 Sec. 8. APPLICABILITY. This Act applies to tax years  
27 beginning on or after January 1, 2015.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with  
30 the explanation's substance by the members of the general assembly.

31 This bill allows first-time homebuyers who are residents  
32 of Iowa to establish a first-time homebuyer savings account  
33 (account) with a state or federally chartered bank, savings and  
34 loan association, credit union, or trust company in this state  
35 to finance the purchase of a principal residence in this state.

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1 "First-time homebuyer" and "principal residence" are defined in  
2 the bill. The account is required to be an interest-bearing  
3 savings account. The account may be established individually  
4 or jointly with the resident's spouse. However, married  
5 taxpayers electing to file separate tax returns or separately  
6 on a combined tax return shall not establish or maintain a  
7 joint account.

8 There is no limitation on the amount of contributions that  
9 may be made to or retained in a first-time homebuyer savings  
10 account. An account holder is required to use the funds in  
11 an account for eligible costs related to the purchase of a  
12 principal residence within 10 years following the year in which  
13 the account is first established.

14 "Eligible costs" are defined in the bill and include the down  
15 payment and allowable closing costs of a principal residence  
16 that was purchased after the establishment of the account. If  
17 the account holder withdraws funds for any purpose other than  
18 the payment of eligible costs, the account holder is subject  
19 to a penalty equal to 10 percent of the withdrawal, unless the  
20 withdrawal occurs on the last business day of the calendar  
21 year or was because of the death of the account holder. The  
22 penalty amounts are required to be withheld by the account  
23 administrator and remitted to the department of revenue in  
24 the same manner as Code section 422.16(2), relating to the  
25 withholding of income tax. A person ceases to be an account  
26 holder following the purchase of a principal residence after  
27 the establishment of an account.

28 Accounts are required to be administered by an account  
29 administrator who will have a fiduciary duty to the account  
30 holder. An account administrator may be a state or federally  
31 chartered bank, savings and loan association, credit union, or  
32 trust company in this state; a certified public accountant or  
33 licensed public accountant; or the account holder. The account  
34 administrator is required within 30 days of beginning account  
35 administration to notify the account holder, in writing, of

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1 the last business day of the calendar year. The account  
2 administrator shall use account funds only for the purpose of  
3 making withdrawals at the request of the account holder and  
4 for the payment of the expenses of administering the account.  
5 An account administrator shall not be held personally,  
6 individually, or corporately liable for the failure to withhold  
7 and remit a withdrawal penalty if the account administrator  
8 relied in good faith on documentation submitted by the account  
9 holder of eligible costs paid or owed by the account holder.  
10 The burden of proving that a withdrawal from an account was  
11 made for eligible costs is upon the account holder. Within 30  
12 days of being furnished proof of death of the account holder,  
13 the account administrator shall distribute funds in an account  
14 to the estate of the account holder or to a transfer on death  
15 or pay on death beneficiary properly designated by the account  
16 holder with the financial institution where the account is  
17 held.

18 Special rules apply to an account administrator that is  
19 also the account holder. First, notice of the last business  
20 day of the calendar year is not required to be given. Second,  
21 administration expenses shall not be paid, except that a  
22 service fee may be charged to the account by the financial  
23 institution where the account is held. Third, documentation  
24 regarding the segregation of funds in the account from other  
25 funds and documentation regarding eligible costs shall  
26 be maintained by the account administrator. Fourth, the  
27 account holder is required to file reports as required by the  
28 department of revenue and to remit any assessed penalties in  
29 the same manner a third-party account holder would be required.  
30 An account administrator that is also the account holder may  
31 not rely on the good-faith exception to personal liability for  
32 failure to withhold and remit the penalty.

33 The bill provides for two individual income tax incentives  
34 relating to first-time homebuyer savings accounts. First,  
35 an account holder is allowed to subtract from the individual



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1 income tax the amount of contributions made during the year  
2 to the account holder's account, not to exceed \$3,000 per  
3 individual, or \$6,000 for a married couple with a joint account  
4 and filing a joint income tax return. If the account holder  
5 contributes more than that amount, the excess may be subtracted  
6 in a subsequent tax year provided the total exemption in any  
7 one tax year does not exceed \$3,000 or \$6,000, as applicable.  
8 Second, the bill exempts any interest or earnings received from  
9 an account holder's account. Both the contribution exemption  
10 and interest exemption only apply for the first 10 years after  
11 the account holder establishes an account.

12 The bill requires an account holder to add to net income the  
13 amount of withdrawal from an account that was made for purposes  
14 other than eligible costs of the account holder to the extent  
15 it was previously subtracted as a contribution. Any amount  
16 remaining in an account on the day after an account holder  
17 purchases a principal residence or on the last business day of  
18 the 10th calendar year following the calendar year the account  
19 holder first establishes an account, whichever occurs first,  
20 shall be considered a withdrawal that must be added to net  
21 income to the extent it was previously subtracted. However,  
22 amounts transferred between different accounts of the same  
23 account holder by a person other than the account holder or  
24 amounts withdrawn pursuant to an order in bankruptcy shall not  
25 be considered withdrawals that must be added to net income.

26 The bill makes it a serious misdemeanor to knowingly prepare  
27 or cause to be prepared a false claim, statement, or billing  
28 to justify the withdrawal of money from a first-time homebuyer  
29 savings account. A serious misdemeanor is punishable by  
30 confinement for no more than one year and a fine of at least  
31 \$315 but not more than \$1,875.

32 The bill requires the department of revenue and the  
33 treasurer of state to each adopt rules to jointly implement and  
34 administer the bill.

35 The bill takes effect January 1, 2015, and applies to tax



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1 years beginning on or after that date.



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**House File 2354 - Introduced**

HOUSE FILE 2354  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 630)

**A BILL FOR**

1 An Act relating to the administration of elections and voter  
2 registration by modifying the close of registration prior  
3 to a primary election, requiring that absentee ballots  
4 be received before the polls close on election day, and  
5 allowing for changes to the envelopes provided to absentee  
6 voters.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 48A.9, subsection 1, Code 2014, is  
2 amended to read as follows:

3 1. Registration closes at 5:00 p.m. eleven days before each  
4 election except ~~primary and~~ general elections. For ~~primary and~~  
5 general elections, registration closes at 5:00 p.m. ten days  
6 before the election. An eligible elector may register during  
7 the time registration is closed in the elector's precinct but  
8 the registration shall not become effective until registration  
9 opens again in the elector's precinct, except as otherwise  
10 provided in section 48A.7A.

11 Sec. 2. Section 48A.26, subsection 3, Code 2014, is amended  
12 to read as follows:

13 3. If the registration form is missing required information  
14 pursuant to section 48A.11, subsection 8, the acknowledgment  
15 shall advise the applicant what additional information is  
16 required. The commissioner shall enclose a new registration  
17 form for the applicant to use. If the registration form has  
18 no address, the commissioner shall make a reasonable effort  
19 to determine where the acknowledgment should be sent. If the  
20 incomplete registration form is received during the period in  
21 which registration is closed pursuant to section 48A.9 but  
22 by 5:00 p.m. on the Saturday before the election for general  
23 ~~and primary~~ elections or by 5:00 p.m. on the Friday before the  
24 election for all other elections, the commissioner shall send  
25 a notice advising the applicant of election day and in-person  
26 absentee registration procedures under section 48A.7A.

27 Sec. 3. Section 50.20, Code 2014, is amended to read as  
28 follows:

29 **50.20 Notice of number of provisional ballots.**

30 The commissioner shall compile a list of the number of  
31 provisional ballots cast under section 49.81 in each precinct.  
32 The list shall be made available to the public as soon as  
33 possible, but in no case later than 9:00 a.m. on the second  
34 day following the election. Any elector may examine the  
35 list during normal office hours, and may also examine the

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1 ~~affidavit~~ affidavits on the envelopes bearing containing the  
2 ballots of challenged electors until the reconvening of the  
3 special precinct board as required by this chapter. Only those  
4 persons so permitted by section 53.23, subsection 4, shall have  
5 access to the affidavits while that board is in session. Any  
6 elector may present written statements or documents, supporting  
7 or opposing the counting of any provisional ballot, at the  
8 commissioner's office until the reconvening of the special  
9 precinct board.

10 Sec. 4. Section 50.22, Code 2014, is amended to read as  
11 follows:

12 **50.22 Special precinct board to determine challenges and**  
13 **canvass absentee ballots.**

14 1. Upon being reconvened, the special precinct election  
15 board shall review the information upon the envelopes bearing  
16 the provisional ballots, and all evidence submitted in support  
17 of or opposition to the right of each challenged person to vote  
18 in the election. The board may divide itself into panels of  
19 not less than three members each in order to hear and determine  
20 two or more challenges simultaneously, but each panel shall  
21 meet the requirements of section 49.12 as regards political  
22 party affiliation of the members of each panel.

23 2. The decision to count or reject each ballot shall be  
24 made upon the basis of the information given on the envelope  
25 containing the provisional ballot, the evidence concerning  
26 the challenge, the registration, and the returned receipts of  
27 registration.

28 3. If a provisional ballot is rejected, the person casting  
29 the ballot shall be notified by the commissioner within ten  
30 days of the reason for the rejection, on the form prescribed  
31 by the state commissioner pursuant to section 53.25, and the  
32 envelope containing the provisional ballot shall be preserved  
33 unopened and disposed of in the same manner as spoiled ballots.  
34 The provisional ballots which are accepted shall be counted  
35 in the manner prescribed by section 53.23, subsection 5. The

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1 commissioner shall make public the number of provisional  
2 ballots rejected and not counted, at the time of the canvass of  
3 the election.

4 ~~The special precinct board shall also canvass any absentee~~  
5 ~~ballots which were received after the polls closed in~~  
6 ~~accordance with section 53.17. If necessary, they shall~~  
7 ~~reconvene again on the day of the canvass by the board of~~  
8 ~~supervisors to canvass any absentee ballots which were timely~~  
9 ~~received.~~

10 4. The special precinct board shall submit their tally list  
11 to the supervisors before the conclusion of the canvass by the  
12 board.

13 Sec. 5. Section 50.24, subsection 2, Code 2014, is amended  
14 to read as follows:

15 2. Upon convening, the board shall open and canvass the  
16 tally lists and shall prepare abstracts stating the number of  
17 votes cast in the county, or in that portion of the county  
18 in which the election was held, for each office and on each  
19 question on the ballot for the election. ~~The board shall~~  
20 ~~contact the chairperson of the special precinct board before~~  
21 ~~adjourning and include in the canvass any absentee ballots~~  
22 ~~which were received after the polls closed in accordance with~~  
23 ~~section 53.17 and which were canvassed by the special precinct~~  
24 ~~board after election day.~~ The abstract shall further indicate  
25 the name of each person who received votes for each office on  
26 the ballot, and the number of votes each person named received  
27 for that office, and the number of votes for and against each  
28 question submitted to the voters at the election. The votes  
29 of all write-in candidates who each received less than five  
30 percent of the votes cast for an office shall be reported  
31 collectively under the heading "scattering".

32 Sec. 6. Section 53.2, subsection 6, Code 2014, is amended  
33 to read as follows:

34 6. If an application for an absentee ballot is received  
35 from an eligible elector who is not a registered voter

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1 the commissioner shall send the eligible elector a voter  
2 registration form and another absentee ballot application form.  
3 If the application is received after the time registration  
4 closes pursuant to section 48A.9 but by 5:00 p.m. on the  
5 Saturday before the election for general ~~and primary~~ elections  
6 or by 5:00 p.m. on the Friday before the election for all other  
7 elections, the commissioner shall notify the applicant by  
8 mail of the election day and in-person absentee registration  
9 provisions of section 48A.7A. In addition to notification  
10 by mail, the commissioner shall also attempt to contact the  
11 applicant by any other method available to the commissioner.  
12 Sec. 7. Section 53.8, subsection 1, Code 2014, is amended  
13 to read as follows:

14 1. a. Upon receipt of an application for an absentee ballot  
15 and immediately after the absentee ballots are printed, the  
16 commissioner shall mail an absentee ballot to the applicant  
17 within twenty-four hours, except as otherwise provided in  
18 subsection 3. The absentee ballot shall be sent to the  
19 registered voter by one of the following methods:

20 (1) The absentee ballot shall be enclosed in an unsealed  
21 envelope ~~bearing~~ imprinted with a serial number and affidavit.  
22 The absentee ballot and ~~unsealed~~ affidavit envelope shall  
23 be enclosed in or with a an unsealed return envelope marked  
24 postage paid which bears the same serial number as the ~~unsealed~~  
25 affidavit envelope. The absentee ballot, ~~unsealed~~ affidavit  
26 envelope, and return envelope shall be enclosed in a third  
27 envelope to be sent to the registered voter. If the ballot  
28 cannot be folded so that all of the votes cast on the ballot  
29 will be hidden, the commissioner shall also enclose a secrecy  
30 envelope with the absentee ballot.

31 (2) The absentee ballot shall be enclosed in an unsealed  
32 return envelope imprinted with a serial number and affidavit  
33 and marked postage paid. The absentee ballot and return  
34 envelope shall be enclosed in a second envelope to be sent  
35 to the registered voter. If the ballot cannot be folded so



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1 that all of the votes cast on the ballot will be hidden, the  
2 commissioner shall also enclose a secrecy envelope with the  
3 absentee ballot.

4 b. The affidavit shall be imprinted on the appropriate  
5 envelope in a form prescribed by the state commissioner of  
6 elections.

7 Sec. 8. Section 53.10, subsection 2, Code 2014, is amended  
8 to read as follows:

9 2. Each person who wishes to vote by absentee ballot at  
10 the commissioner's office shall first sign an application for  
11 a ballot including the following information: name, current  
12 address, and the election for which the ballot is requested.  
13 The person may report a change of address or other information  
14 on the person's voter registration record at that time. The  
15 registered voter shall immediately mark the ballot; enclose  
16 the ballot in a secrecy envelope, if necessary, and seal it  
17 in ~~an affidavit~~ the envelope imprinted with the affidavit;  
18 subscribe to the affidavit on the reverse side of the envelope;  
19 and return the absentee ballot to the commissioner. The  
20 commissioner shall record the numbers appearing on the  
21 application and affidavit envelope along with the name of the  
22 registered voter.

23 Sec. 9. Section 53.16, Code 2014, is amended to read as  
24 follows:

25 **53.16 Subscribing to affidavit.**

26 After marking the ballot, the voter shall make and subscribe  
27 to the affidavit on the ~~reverse side of the~~ affidavit envelope  
28 or on the return envelope imprinted with the affidavit, and  
29 fold the ballot or ballots, separately, so as to conceal  
30 the markings on them, and deposit them in the envelope, and  
31 securely seal the envelope.

32 Sec. 10. Section 53.17, subsection 1, unnumbered paragraph  
33 1, Code 2014, is amended to read as follows:

34 ~~The~~ If the commissioner mailed the ballot pursuant to  
35 section 53.8, subsection 1, paragraph "a", subparagraph (1),

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1 the sealed affidavit envelope containing the absentee ballot  
2 shall be enclosed in a return envelope which shall be securely  
3 sealed. If the commissioner mailed the ballot pursuant to  
4 section 53.8, subsection 1, paragraph "a", subparagraph (2),  
5 the absentee ballot shall be enclosed in the return envelope  
6 which shall be securely sealed. The sealed return envelope  
7 shall be returned to the commissioner by one of the following  
8 methods:

9 Sec. 11. Section 53.17, subsection 2, Code 2014, is amended  
10 to read as follows:

11 2. In order for the ballot to be counted, the return  
12 envelope must be received in the commissioner's office before  
13 the polls close on election day ~~or be clearly postmarked by an~~  
14 ~~officially authorized postal service not later than the day~~  
15 ~~before the election and received by the commissioner not later~~  
16 ~~than noon on the Monday following the election.~~

17 Sec. 12. Section 53.17, subsection 3, Code 2014, is amended  
18 by striking the subsection.

19 Sec. 13. Section 53.17, subsection 4, paragraph f, Code  
20 2014, is amended to read as follows:

21 *f.* A statement that the completed absentee ballot will  
22 be delivered to the commissioner's office within seventy-two  
23 hours of retrieving it from the voter or before the closing of  
24 the polls on election day, whichever is earlier, or that the  
25 completed absentee ballot will be mailed to the commissioner  
26 within seventy-two hours of retrieving it from the voter ~~or~~  
27 ~~within time to be postmarked not later than the day before the~~  
28 ~~election, whichever is earlier.~~

29 Sec. 14. Section 53.18, subsections 2 and 3, Code 2014, are  
30 amended to read as follows:

31 2. If the commissioner receives the return envelope  
32 containing the completed absentee ballot by 5:00 p.m. on  
33 the Saturday before the election for general ~~and primary~~  
34 elections and by 5:00 p.m. on the Friday before the election  
35 for all other elections, the commissioner shall review the

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1 affidavit imprinted on the return envelope, if applicable, for  
2 completeness or shall open the return envelope to review the  
3 affidavit for completeness. If the affidavit is incomplete,  
4 the commissioner shall, within twenty-four hours of the time  
5 the envelope was received, notify the voter of that fact and  
6 that the voter may complete the affidavit in person at the  
7 office of the commissioner by 5:00 p.m. on the day before the  
8 election, vote a replacement ballot in the manner and within  
9 the time period provided in subsection 3, or appear at the  
10 voter's precinct polling place on election day and cast a  
11 ballot in accordance with section 53.19, subsection 3.

12 3. If the affidavit envelope or the return envelope  
13 imprinted with the affidavit contains a defect that would  
14 cause the absentee ballot to be rejected by the absentee  
15 and special voters precinct board, the commissioner shall  
16 immediately notify the voter of that fact and that the  
17 voter's absentee ballot shall not be counted unless the  
18 voter requests and returns a replacement ballot in the time  
19 permitted under section 53.17, subsection 2. The voter may  
20 request a replacement ballot in person, in writing, or over  
21 the telephone. The same serial number that was assigned  
22 to the records of the original absentee ballot application  
23 shall be used on the envelope and records of the replacement  
24 ballot. The ~~affidavit~~ envelope imprinted with the affidavit  
25 and containing the completed replacement ballot shall be  
26 marked "Replacement ballot". The ~~affidavit~~ envelope imprinted  
27 with the affidavit and containing the original ballot shall  
28 be marked "Defective" and the replacement ballot shall be  
29 attached to ~~the affidavit~~ such envelope containing the original  
30 ballot and shall be stored in a secure place until they are  
31 delivered to the absentee and special voters precinct board,  
32 notwithstanding sections 53.26 and 53.27.

33 Sec. 15. Section 53.21, subsection 2, paragraph b, Code  
34 2014, is amended to read as follows:

35 b. The voter shall enclose one copy of the above statement

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1 in the return envelope along with the affidavit envelope, if  
2 the voter was mailed a separate affidavit envelope, and shall  
3 retain a copy for the voter's records.

4 Sec. 16. Section 53.23, subsection 3, paragraph b,  
5 subparagraph (1), Code 2014, is amended to read as follows:

6 (1) The commissioner may direct the board to meet on the day  
7 before the election for the purpose of reviewing the absentee  
8 voters' affidavits appearing on the sealed ~~affidavit~~ envelopes.  
9 If in the commissioner's judgment this procedure is necessary  
10 due to the number of absentee ballots received, the members of  
11 the board may open the sealed affidavit envelopes and remove  
12 the secrecy envelope containing the ballot, but under no  
13 circumstances shall a secrecy envelope or a return envelope  
14 imprinted with an affidavit be opened before the board convenes  
15 on election day, except as provided in paragraph "c". If the  
16 affidavit envelopes are opened before election day pursuant  
17 to this paragraph "b", two observers, one appointed by each  
18 of the two political parties referred to in section 49.13,  
19 subsection 2, shall witness the proceedings. The observers  
20 shall be appointed by the county chairperson or, if the  
21 county chairperson fails to make an appointment, by the state  
22 chairperson. However, if either or both political parties fail  
23 to appoint an observer, the commissioner may continue with the  
24 proceedings.

25 Sec. 17. Section 53.23, subsection 5, Code 2014, is amended  
26 to read as follows:

27 5. The special precinct election board shall preserve  
28 the secrecy of all absentee and provisional ballots. After  
29 the affidavits on the envelopes have been reviewed and the  
30 qualifications of the persons casting the ballots have been  
31 determined, those that have been accepted for counting shall  
32 be opened. The ballots shall be removed from the affidavit  
33 envelopes or return envelopes imprinted with the affidavit, as  
34 applicable, without being unfolded or examined, and then shall  
35 be thoroughly intermingled, after which they shall be unfolded

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1 and tabulated. If secrecy folders or envelopes are used with  
2 provisional paper ballots, the ballots shall be removed from  
3 the secrecy folders after the ballots have been intermingled.

4 Sec. 18. Section 53.25, Code 2014, is amended to read as  
5 follows:

6 **53.25 Rejecting ballot.**

7 1. If the absentee voter's affidavit lacks the voter's  
8 signature, if the applicant is not a duly registered voter on  
9 election day in the precinct where the absentee ballot was  
10 cast, if the affidavit envelope imprinted with the affidavit  
11 contains more than one ballot of any one kind, or if the  
12 voter has voted in person, such vote shall be rejected by the  
13 absentee and special voters precinct board. If the affidavit  
14 envelope or return envelope imprinted with the affidavit is  
15 open, or has been opened and resealed, or if the ballot is  
16 not enclosed in ~~the affidavit~~ such envelope, and an affidavit  
17 envelope or return envelope imprinted with the affidavit with  
18 the same serial number and marked "Replacement ballot" is  
19 not attached as provided in section 53.18, the vote shall be  
20 rejected by the absentee and special voters precinct board.

21 2. If the absentee ballot is rejected prior to the opening  
22 of the affidavit envelope or return envelope imprinted with the  
23 affidavit, the voter casting the ballot shall be notified by a  
24 precinct election official by the time the canvass is completed  
25 of the reason for the rejection on a form prescribed by the  
26 state commissioner of elections.

27 Sec. 19. Section 53.27, Code 2014, is amended to read as  
28 follows:

29 **53.27 Rejection of ballot — return of envelope.**

30 If the ballot is rejected, the ~~affidavit envelope~~, imprinted  
31 with the affidavit of, with the voter-endorsed voter's  
32 endorsement thereon, shall be returned with the rejected ballot  
33 in the envelope endorsed "Defective ballots".

34 Sec. 20. Section 53.30, Code 2014, is amended to read as  
35 follows:

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1     **53.30 Ballots, ballot envelopes, and other information**  
2 **preserved.**

3     At the conclusion of each meeting of the absentee and  
4 special voter's precinct board, the board shall securely  
5 seal all ballots counted by them in the manner prescribed in  
6 section 50.12. The ballot envelopes, including the affidavit  
7 ~~envelope having the registered voter's affidavit on it~~ if an  
8 affidavit envelope was provided, the return envelope, and  
9 secrecy envelope bearing the signatures of precinct election  
10 officials, as required by section 53.23, shall be preserved.  
11 All applications for absentee ballots, ballots rejected without  
12 being opened, absentee ballot logs, and any other documents  
13 pertaining to the absentee ballot process shall be preserved  
14 until such time as the documents may be destroyed pursuant to  
15 section 50.19.

16     Sec. 21. Section 53.32, Code 2014, is amended to read as  
17 follows:

18     **53.32 Ballot of deceased voter.**

19     When it shall be made to appear by due proof to the precinct  
20 election officials that any elector, who has so marked and  
21 forwarded a ballot, has died before the ~~affidavit~~ envelope  
22 imprinted with the affidavit is opened, then the ballot of  
23 such deceased voter shall be endorsed, "Rejected because voter  
24 is dead", and be returned to the commissioner; ~~but the~~. The  
25 casting of the ballot of a deceased voter shall not invalidate  
26 the election.

27     Sec. 22. Section 53.38, Code 2014, is amended to read as  
28 follows:

29     **53.38 What constitutes registration.**

30     Whenever a ballot is requested pursuant to section 53.39 or  
31 53.45 on behalf of a voter in the armed forces of the United  
32 States, the affidavit upon the ~~affidavit~~ envelope imprinted  
33 with the affidavit of such voter, if the voter is found to  
34 be an eligible elector of the county to which the ballot is  
35 submitted, shall constitute a sufficient registration under

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1 chapter 48A. A completed federal postcard registration and  
2 federal absentee ballot request form submitted by such eligible  
3 elector shall also constitute a sufficient registration under  
4 chapter 48A. The commissioner shall place the voter's name  
5 on the registration record as a registered voter if it does  
6 not already appear there. The identification requirements of  
7 section 48A.8 and the verification requirements of section  
8 48A.25A do not apply to persons who register to vote under this  
9 division.

10 Sec. 23. Section 53.40, subsection 3, Code 2014, is amended  
11 to read as follows:

12 3. If the affidavit on the ~~affidavit~~ envelope imprinted  
13 with the affidavit shows that the affiant is not a qualified  
14 voter on the day of the election at which the ballot is  
15 offered for voting, the envelope shall not be opened, but  
16 the envelope and ballot contained in the envelope shall be  
17 preserved and returned by the precinct election officials to  
18 the commissioner, who shall preserve them for the period of  
19 time and under the conditions provided for in sections 50.12,  
20 50.13, 50.15, and 50.19.

21 Sec. 24. Section 53.44, unnumbered paragraph 1, Code 2014,  
22 is amended to read as follows:

23 The affidavit on the ~~affidavit~~ envelope imprinted with the  
24 affidavit used in connection with voting by absentee ballot  
25 under this division by members of the armed forces of the  
26 United States need not be notarized or witnessed, but the  
27 affidavit on such envelope shall be completed and signed by the  
28 voter.

29 Sec. 25. REPEAL. Sections 53.13 and 53.14, Code 2014, are  
30 repealed.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with  
33 the explanation's substance by the members of the general assembly.

34 This bill relates to the administration of elections and  
35 voter registration.

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1 Under current law, voter registration closes at 5:00 p.m.  
2 10 days prior to a general or primary election and 11 days  
3 prior to all other elections. The bill requires that voter  
4 registration close 11 days prior to primary elections.

5 Relating to completed absentee ballots mailed to the  
6 commissioner, the bill provides that in order for an absentee  
7 ballot to be counted, the return envelope must be received in  
8 the commissioner's office before the polls close on election  
9 day. Under current law, in order to be counted, the absentee  
10 ballot must be received before the polls close on election  
11 day or must be postmarked not later than the day before the  
12 election and received by the county commissioner of elections  
13 no later than 12:00 p.m. on the Monday following that election.

14 Relating to the envelopes provided to absentee voters, under  
15 current law, absentee ballots mailed to a voter are required  
16 to be enclosed in an unsealed envelope bearing a serial number  
17 and an affidavit, which are then required to be enclosed in or  
18 with a return envelope, all of which are then required to be  
19 enclosed in a third envelope to be sent to the registered voter  
20 requesting an absentee ballot.

21 The bill allows for an affidavit to be imprinted on the  
22 return envelope. If a return envelope imprinted with the  
23 affidavit is used, absentee ballots mailed to a voter are  
24 required to be enclosed in the unsealed return envelope  
25 imprinted with the affidavit which is required to be enclosed  
26 in a second envelope to be sent to the registered voter  
27 requesting an absentee ballot. The bill allows a county  
28 commissioner of elections to continue sending absentee ballots  
29 as provided under current law or to send absentee ballots  
30 utilizing a return envelope imprinted with the affidavit. The  
31 bill makes additional conforming changes.

32 The bill also repeals Code section 53.14 which requires that  
33 the printed affidavit designate the voter's party affiliation  
34 if the ballot enclosed is a primary election ballot.



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**House File 2355 - Introduced**

HOUSE FILE 2355  
BY COMMITTEE ON PUBLIC SAFETY  
  
(SUCCESSOR TO HSB 640)

**A BILL FOR**

1 An Act adding the hallucinogenic substance kratom to the  
2 list of schedule I controlled substances, and providing  
3 penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 2355

1 Section 1. Section 124.204, subsection 4, Code 2014, is  
2 amended by adding the following new paragraph:  
3 NEW PARAGRAPH. *aj.* Mitragyna speciosa korth, also known as  
4 kratom.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with  
7 the explanation's substance by the members of the general assembly.

8 This bill adds the hallucinogenic substance "mitragyna  
9 speciosa korth", also known as "kratom", to the list of  
10 schedule I controlled substances. A schedule I controlled  
11 substance is considered to have a high potential for abuse and  
12 has no medical purpose in treatment in the United States, or  
13 lacks accepted safety procedures for use in treatment under  
14 medical supervision.

15 The bill makes it a class "C" felony pursuant to Code section  
16 124.401, subsection 1, paragraph "c", subparagraph (8), for  
17 any unauthorized person to manufacture, deliver, or possess  
18 with the intent to manufacture or deliver, mitragyna speciosa  
19 korth, or to act with, enter a common scheme or design with,  
20 or conspire with one or more other persons to manufacture,  
21 deliver, or possess with the intent to manufacture or deliver  
22 mitragyna speciosa korth.

23 The bill also makes it a serious misdemeanor pursuant to Code  
24 section 124.401, subsection 5, for any unauthorized person to  
25 possess mitragyna speciosa korth.

26 A class "C" felony is punishable by confinement for no more  
27 than 10 years and a fine of at least \$1,000 but not more than  
28 \$10,000. A serious misdemeanor is punishable by confinement  
29 for no more than one year and a fine of at least \$315 but not  
30 more than \$1,875.



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House File 2356 - Introduced

HOUSE FILE 2356  
BY COMMITTEE ON PUBLIC SAFETY  
  
(SUCCESSOR TO HSB 546)

A BILL FOR

1 An Act relating to the possession of precursor substances  
2 used to manufacture controlled substances, and providing  
3 penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5176HV (1) 85  
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H.F. 2356

1 Section 1. Section 124.401, subsection 4, Code 2014, is  
2 amended by adding the following new paragraphs:  
3 NEW PARAGRAPH. o. Sodium hydroxide.  
4 NEW PARAGRAPH. p. Ammonia nitrate.  
5 NEW PARAGRAPH. q. Ammonia sulfate.  
6 NEW PARAGRAPH. r. Light or medium petroleum distillates.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with  
9 the explanation's substance by the members of the general assembly.

10 This bill relates to the possession of precursor substances  
11 used to manufacture controlled substances.

12 Under the bill, a person commits a class "D" felony if the  
13 person possesses sodium hydroxide, ammonia nitrate, ammonia  
14 sulfate, or light or medium petroleum distillates, with the  
15 intent that such substance be used to manufacture a controlled  
16 substance. A class "D" felony is punishable by confinement for  
17 no more than five years and a fine of at least \$750 but not more  
18 than \$7,500.

19 A person who possesses a substance in violation of the bill  
20 also commits child endangerment under Code section 726.6 if  
21 children are present during the violation.





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House File 2357 - Introduced

HOUSE FILE 2357  
BY COMMITTEE ON TRANSPORTATION  
  
(SUCCESSOR TO HF 2074)

A BILL FOR

1 An Act relating to registration fees for motor vehicles  
2 transferred to a nonprofit corporation for donation to needy  
3 individuals.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.105A, subsection 2, paragraph c,  
2 Code 2014, is amended by adding the following new subparagraph:  
3 NEW SUBPARAGRAPH. (31) A motor vehicle transferred to a  
4 nonprofit entity which is exempt from federal income taxation  
5 pursuant to section 501(c)(3) of the Internal Revenue Code  
6 in a transaction in which no consideration is given, to be  
7 reconditioned by the nonprofit entity for donation to a needy  
8 individual served by the nonprofit entity.

9 Sec. 2. NEW SECTION. 321.118 **Donated vehicles.**

10 The annual registration fee is ten dollars for a motor  
11 vehicle transferred to a nonprofit entity which is exempt  
12 from federal income taxation pursuant to section 501(c)(3)  
13 of the Internal Revenue Code in a transaction in which no  
14 consideration is given, to be reconditioned by the nonprofit  
15 entity for donation to a needy individual served by the  
16 nonprofit entity.

17 **EXPLANATION**

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 This bill establishes an annual registration fee of \$10 for  
21 a motor vehicle that is transferred to a nonprofit entity in  
22 a transaction involving no consideration, to be reconditioned  
23 by the nonprofit entity for donation to a needy individual.  
24 In addition, the bill provides an exemption from the fee for  
25 new registration for such a vehicle. When the vehicle is  
26 transferred from the nonprofit entity to the donee, the annual  
27 registration fee would be the regular registration fee for the  
28 vehicle.



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**House File 2358 - Introduced**

HOUSE FILE 2358  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 574)

(COMPANION TO SF 2234 BY  
COMMITTEE ON STATE GOVERNMENT)

**A BILL FOR**

1 An Act providing for the licensing of polysomnographic  
2 technologists, making penalties applicable, and including  
3 effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135.24, subsection 2, paragraph a, Code  
2 2014, is amended to read as follows:

3 a. Procedures for registration of health care providers  
4 deemed qualified by the board of medicine, the board of  
5 physician assistants, the dental board, the board of nursing,  
6 the board of chiropractic, the board of psychology, the board  
7 of social work, the board of behavioral science, the board  
8 of pharmacy, the board of optometry, the board of podiatry,  
9 the board of physical and occupational therapy, the board of  
10 respiratory care and polysomnography, and the Iowa department  
11 of public health, as applicable.

12 Sec. 2. Section 147.1, subsections 3 and 6, Code 2014, are  
13 amended to read as follows:

14 3. "*Licensed*" or "*certified*", when applied to a physician  
15 and surgeon, podiatric physician, osteopathic physician and  
16 surgeon, physician assistant, psychologist, chiropractor,  
17 nurse, dentist, dental hygienist, dental assistant,  
18 optometrist, speech pathologist, audiologist, pharmacist,  
19 physical therapist, physical therapist assistant, occupational  
20 therapist, occupational therapy assistant, orthotist,  
21 prosthetist, pedorthist, respiratory care practitioner,  
22 practitioner of cosmetology arts and sciences, practitioner  
23 of barbering, funeral director, dietitian, marital and  
24 family therapist, mental health counselor, polysomnographic  
25 technologist, social worker, massage therapist, athletic  
26 trainer, acupuncturist, nursing home administrator, hearing aid  
27 dispenser, or sign language interpreter or transliterator means  
28 a person licensed under this subtitle.

29 6. "*Profession*" means medicine and surgery, podiatry,  
30 osteopathic medicine and surgery, practice as a physician  
31 assistant, psychology, chiropractic, nursing, dentistry,  
32 dental hygiene, dental assisting, optometry, speech pathology,  
33 audiology, pharmacy, physical therapy, physical therapist  
34 assisting, occupational therapy, occupational therapy  
35 assisting, respiratory care, cosmetology arts and sciences,

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1 barbering, mortuary science, marital and family therapy, mental  
2 health counseling, polysomnography, social work, dietetics,  
3 massage therapy, athletic training, acupuncture, nursing  
4 home administration, hearing aid dispensing, sign language  
5 interpreting or transliterating, orthotics, prosthetics, or  
6 pedorthics.

7 Sec. 3. Section 147.2, subsection 1, Code 2014, is amended  
8 to read as follows:

9 1. A person shall not engage in the practice of medicine  
10 and surgery, podiatry, osteopathic medicine and surgery,  
11 psychology, chiropractic, physical therapy, physical  
12 therapist assisting, nursing, dentistry, dental hygiene,  
13 dental assisting, optometry, speech pathology, audiology,  
14 occupational therapy, occupational therapy assisting,  
15 orthotics, prosthetics, pedorthics, respiratory care,  
16 pharmacy, cosmetology arts and sciences, barbering, social  
17 work, dietetics, marital and family therapy or mental health  
18 counseling, massage therapy, mortuary science, polysomnography,  
19 athletic training, acupuncture, nursing home administration,  
20 hearing aid dispensing, or sign language interpreting  
21 or transliterating, or shall not practice as a physician  
22 assistant, unless the person has obtained a license for that  
23 purpose from the board for the profession.

24 Sec. 4. Section 147.13, subsection 18, Code 2014, is amended  
25 to read as follows:

26 18. For respiratory care and polysomnography, the board of  
27 respiratory care and polysomnography.

28 Sec. 5. Section 147.14, subsection 1, paragraph o, Code  
29 2014, is amended to read as follows:

30 o. For respiratory care, one licensed physician with  
31 training in respiratory care, ~~three~~ two respiratory care  
32 practitioners who have practiced respiratory care for a minimum  
33 of six years immediately preceding their appointment to the  
34 board and who are recommended by the society for respiratory  
35 care, one polysomnographic technologist who has practiced



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1 polysomnography for a minimum of six years immediately  
2 preceding appointment to the board and who is recommended by  
3 the Iowa sleep society, and one member not licensed to practice  
4 medicine, osteopathic medicine, polysomnography, or respiratory  
5 care who shall represent the general public.

6 Sec. 6. Section 147.74, Code 2014, is amended by adding the  
7 following new subsection:

8 NEW SUBSECTION. 22A. A person who is licensed to engage in  
9 the practice of polysomnography shall have the right to use the  
10 title "polysomnographic technologist" or the letters "P.S.G.T."  
11 after the person's name. No other person may use that title  
12 or letters or any other words or letters indicating that the  
13 person is a polysomnographic technologist.

14 Sec. 7. NEW SECTION. 148G.1 **Definitions.**

15 As used in this chapter, unless the context otherwise  
16 requires:

17 1. "*Board*" means the board of respiratory care and  
18 polysomnography established in chapter 147.

19 2. "*Direct supervision*" means that the polysomnographic  
20 technologist providing supervision must be present where the  
21 polysomnographic procedure is being performed and immediately  
22 available to furnish assistance and direction throughout the  
23 performance of the procedure.

24 3. "*General supervision*" means that the polysomnographic  
25 procedure is provided under a physician's or qualified health  
26 care professional prescriber's overall direction and control,  
27 but the physician's or qualified health care professional  
28 prescriber's presence is not required during the performance  
29 of the procedure.

30 4. "*Physician*" means a person who is currently licensed in  
31 Iowa to practice medicine and surgery or osteopathic medicine  
32 and surgery and who is board certified in sleep medicine and  
33 who is actively involved in the sleep medicine center or  
34 laboratory.

35 5. "*Polysomnographic student*" means a person who is enrolled

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1 in a commission on accreditation of allied health education  
2 program or an equivalent program accredited by a nationally  
3 recognized accrediting agency and who may provide sleep-related  
4 services under the direct supervision of a polysomnographic  
5 technologist as a part of the person's educational program.

6 6. *"Polysomnographic technician"* means a person who  
7 has graduated from a commission on accreditation of allied  
8 health education program or equivalent program accredited  
9 by a nationally recognized accrediting agency, but has not  
10 yet received an accepted national credential awarded from  
11 an examination program that is accredited by a nationally  
12 recognized examination accrediting organization but who may  
13 provide sleep-related services under the direct supervision of  
14 a licensed polysomnographic technologist for a period of up to  
15 thirty days following graduation while awaiting credentialing  
16 examination scheduling and results.

17 7. *"Polysomnographic technologist"* means a person licensed  
18 by the board to engage in the practice of polysomnography under  
19 the general supervision of a physician or a qualified health  
20 care professional prescriber.

21 8. *"Practice of polysomnography"* means as described in  
22 section 148G.2.

23 9. *"Qualified health care practitioner"* means an individual  
24 who is licensed under section 147.2, and who holds a  
25 credential listed on the board of registered polysomnographic  
26 technologists list of accepted allied health credentials.

27 10. *"Qualified health care professional prescriber"* means a  
28 physician assistant operating under the prescribing authority  
29 granted in section 147.107 or an advanced registered nurse  
30 practitioner operating under the prescribing authority granted  
31 in section 147.107.

32 11. *"Sleep-related services"* means acts performed by  
33 polysomnographic technicians, polysomnographic students, and  
34 other persons permitted to perform those services under this  
35 chapter, in a setting described in this chapter that would be

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1 considered the practice of polysomnography if performed by a  
2 polysomnographic technologist.

3 Sec. 8. NEW SECTION. 148G.2 Practice of polysomnography.

4 The practice of polysomnography consists of but is not  
5 limited to the following tasks as performed for the purpose of  
6 polysomnography, under the general supervision of a licensed  
7 physician or qualified health care professional prescriber:

8 1. Monitoring, recording, and evaluating physiologic  
9 data during polysomnographic testing and review during the  
10 evaluation of sleep-related disorders, including sleep-related  
11 respiratory disturbances, by applying any of the following  
12 techniques, equipment, or procedures:

13 a. Noninvasive continuous, bilevel positive airway pressure,  
14 or adaptive servo-ventilation titration on spontaneously  
15 breathing patients using a mask or oral appliance; provided,  
16 that the mask or oral appliance does not extend into the  
17 trachea or attach to an artificial airway.

18 b. Supplemental low-flow oxygen therapy of less than six  
19 liters per minute, utilizing a nasal cannula or incorporated  
20 into a positive airway pressure device during a polysomnogram.

21 c. Capnography during a polysomnogram.

22 d. Cardiopulmonary resuscitation.

23 e. Pulse oximetry.

24 f. Gastroesophageal pH monitoring.

25 g. Esophageal pressure monitoring.

26 h. Sleep stage recording using surface  
27 electroencephalography, surface electrooculography, and surface  
28 submental electromyography.

29 i. Surface electromyography.

30 j. Electrocardiography.

31 k. Respiratory effort monitoring, including thoracic and  
32 abdominal movement.

33 l. Plethysmography blood flow monitoring.

34 m. Snore monitoring.

35 n. Audio and video monitoring.





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1     *o.* Body movement monitoring.  
2     *p.* Nocturnal penile tumescence monitoring.  
3     *q.* Nasal and oral airflow monitoring.  
4     *r.* Body temperature monitoring.  
5     2. Monitoring the effects that a mask or oral appliance  
6 used to treat sleep disorders has on sleep patterns; provided,  
7 however, that the mask or oral appliance shall not extend into  
8 the trachea or attach to an artificial airway.  
9     3. Observing and monitoring physical signs and symptoms,  
10 general behavior, and general physical response to  
11 polysomnographic evaluation and determining whether initiation,  
12 modification, or discontinuation of a treatment regimen is  
13 warranted.  
14     4. Analyzing and scoring data collected during the  
15 monitoring described in this section for the purpose of  
16 assisting a physician in the diagnosis and treatment of sleep  
17 and wake disorders that result from developmental defects,  
18 the aging process, physical injury, disease, or actual or  
19 anticipated somatic dysfunction.  
20     5. Implementation of a written or verbal order from a  
21 physician or qualified health care professional prescriber to  
22 perform polysomnography.  
23     6. Education of a patient regarding the treatment regimen  
24 that assists the patient in improving the patient's sleep.  
25     7. Use of any oral appliance used to treat sleep-disordered  
26 breathing while under the care of a licensed polysomnographic  
27 technologist during the performance of a sleep study, as  
28 directed by a licensed dentist.  
29     Sec. 9. NEW SECTION. **148G.3 Location of services.**  
30     The practice of polysomnography shall take place only in a  
31 facility that is accredited by a nationally recognized sleep  
32 medicine laboratory or center accrediting agency, in a hospital  
33 licensed under chapter 135B, or in a patient's home pursuant to  
34 rules adopted by the board; provided, however, that the scoring  
35 of data and the education of patients may take place in another



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1 setting.

2 Sec. 10. NEW SECTION. 148G.4 Scope of chapter.

3 Nothing in this chapter shall be construed to limit or  
4 restrict a health care practitioner licensed in this state from  
5 engaging in the full scope of practice of the individual's  
6 profession.

7 Sec. 11. NEW SECTION. 148G.5 Rulemaking.

8 The board shall adopt rules necessary for the implementation  
9 and administration of this chapter and the applicable  
10 provisions of chapters 147 and 272C.

11 Sec. 12. NEW SECTION. 148G.6 Licensing requirements.

12 1. Beginning January 1, 2016, a qualified health care  
13 practitioner, as determined by the board by rule, may apply to  
14 the board for a license to perform polysomnography. The board  
15 shall issue a license to the health care practitioner, without  
16 examination, provided the application contains verification  
17 that the health care practitioner has completed five hundred  
18 hours of paid clinical or nonclinical polysomnographic work  
19 experience within the three years prior to submission of the  
20 application. The application shall also contain verification  
21 from the health care practitioner's supervisor that the health  
22 care practitioner is competent to perform polysomnography.

23 2. Beginning January 1, 2016, a person seeking licensure  
24 as a polysomnographic technologist shall be of good moral  
25 character, be at least eighteen years of age, pay the fees  
26 established by the board for licensure, and present proof that  
27 the person has satisfied one of the following educational  
28 requirements:

29 a. Graduation from a polysomnographic educational program  
30 that is accredited by the committee on accreditation for  
31 polysomnographic technologist education or an equivalent  
32 program as determined by the board.

33 b. Graduation from a respiratory care educational program  
34 that is accredited by the commission on accreditation  
35 for respiratory care or by a committee on accreditation

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1 for the commission on accreditation of allied health  
2 education programs, and completion of the curriculum for a  
3 polysomnographic certificate established and accredited by the  
4 commission on accreditation of allied health education programs  
5 as an extension of the respiratory care program.

6     *c.* Graduation from an electroneurodiagnostic technologist  
7 educational program that is accredited by the committee  
8 on accreditation for education in electroneurodiagnostic  
9 technology or by a committee on accreditation for the  
10 commission on accreditation of allied health education  
11 programs, and completion of the curriculum for a  
12 polysomnographic certificate established and accredited by the  
13 commission on accreditation of allied health education programs  
14 as an extension of the electroneurodiagnostic educational  
15 program.

16     *d.* An individual who is licensed under section 147.2  
17 who holds an active license in good standing may practice  
18 polysomnography without holding a polysomnographic license upon  
19 approval of the board. Individuals shall submit verification  
20 to the board of either of the following:

21         (1) Successful completion of an educational program in  
22 polysomnography approved by the board.

23         (2) Successful completion of an examination in  
24 polysomnography approved by the board.

25     Sec. 13. NEW SECTION. 148G.7 **Persons exempt from licensing**  
26 **requirement.**

27     1. The following persons may provide sleep-related services  
28 without being licensed as a polysomnographic technologist under  
29 this chapter:

30     *a.* A qualified health care practitioner may provide  
31 sleep-related services under the direct supervision of a  
32 licensed polysomnographic technologist for a period of up to  
33 six months while gaining the clinical experience necessary  
34 to meet the admission requirements for a polysomnographic  
35 credentialing examination. The board may grant a one-time

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1 extension of up to six months.

2     **b.** A polysomnographic student may provide sleep-related  
3 services under the direct supervision of a polysomnographic  
4 technologist as a part of the student's educational program  
5 while actively enrolled in a polysomnographic educational  
6 program that is accredited by the commission on accreditation  
7 of allied health education programs or an equivalent program as  
8 determined by the board.

9     2. Before providing any sleep-related services, a  
10 polysomnographic technician or polysomnographic student who is  
11 obtaining clinical experience shall give notice to the board  
12 that the person is working under the direct supervision of a  
13 polysomnographic technologist in order to gain the experience  
14 to be eligible to sit for a national certification examination.  
15 The person shall wear a badge that appropriately identifies the  
16 person while providing such services.

17     Sec. 14. NEW SECTION. **148G.8 Licensing sanctions.**

18     The board may impose sanctions for violations of this  
19 chapter as provided in chapters 147 and 272C.

20     Sec. 15. Section 152B.1, subsection 1, Code 2014, is amended  
21 to read as follows:

22     1. "Board" means the board of respiratory care and  
23 polysomnography created under chapter 147.

24     Sec. 16. Section 272C.1, subsection 6, paragraph z, Code  
25 2014, is amended to read as follows:

26     z. The board of respiratory care and polysomnography in  
27 licensing respiratory care practitioners pursuant to chapter  
28 152B and polysomnographic technologists pursuant to chapter  
29 148G.

30     Sec. 17. **INITIAL APPOINTMENT OF POLYSOMNOGRAPHIC**  
31 **TECHNOLOGIST TO BOARD.** For the initial appointment of the  
32 polysomnographic member to the board of respiratory care and  
33 polysomnography pursuant to section 147.14, as amended in this  
34 Act, such appointee must be eligible for licensure pursuant to  
35 this Act. The appointment shall be effective upon the first



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1 expiration of the term of an existing respiratory care board  
2 member.

3 Sec. 18. EFFECTIVE DATE. The following provision or  
4 provisions of this Act take effect January 1, 2015:

5 1. The section of this Act amending section 147.2,  
6 subsection 1.

7 Sec. 19. IMPLEMENTATION PERIOD. A person who is working  
8 in the field of sleep medicine on January 1, 2016, who is  
9 not eligible to obtain the registered polysomnographic  
10 credential shall have until January 1, 2017, to achieve a  
11 passing score on the registered polysomnographic technologist  
12 examination for licensure only. The individual shall be  
13 allowed to attempt the examination and be awarded a license as  
14 a polysomnographic technologist by meeting or exceeding the  
15 passing point established by the board of respiratory care and  
16 polysomnography. After January 1, 2017, only persons licensed  
17 as polysomnographic technologists or excepted from this chapter  
18 may perform sleep-related services.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with  
21 the explanation's substance by the members of the general assembly.

22 This bill requires the licensing of polysomnographic  
23 technologists beginning January 1, 2016, and makes the  
24 provisions of Code chapters 147 and 272C, including penalty  
25 and other regulatory provisions, applicable to other health  
26 professions applicable to the practice of polysomnography.  
27 Code section 147.86 provides that it is a serious misdemeanor  
28 to violate a provision of the licensing laws. A serious  
29 misdemeanor is punishable by confinement for no more than one  
30 year and a fine of at least \$315 but not more than \$1,875. The  
31 licensing program is administered and regulated by the board of  
32 respiratory care and polysomnography, with one respiratory care  
33 practitioner replaced by a polysomnographic technologist.

34 The board may license other licensed health care  
35 professionals, without examination, to perform polysomnography.

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1 The applicant must provide evidence that the applicant  
2 has completed 500 hours of paid clinical or nonclinical  
3 polysomnographic work experience within the three years prior  
4 to submission of the application. The application shall also  
5 contain verification from the applicant's supervisor that the  
6 applicant is competent to perform polysomnography.

7 A licensed polysomnographic technologist practices under  
8 the general supervision of a physician, a physician assistant,  
9 or an advanced registered nurse practitioner, providing  
10 specifically enumerated services related to sleep disorders. A  
11 polysomnographic student enrolled in an approved educational  
12 program provides services under the direct supervision of a  
13 polysomnographic technologist.

14 The bill sets out educational standards and testing  
15 requirements, and provides for disciplinary actions.



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House File 2359 - Introduced

HOUSE FILE 2359  
BY COMMITTEE ON VETERANS  
AFFAIRS

(SUCCESSOR TO HSB 656)

A BILL FOR

1 An Act exempting military survivor benefits for certain  
2 purposes of the state individual income tax and including  
3 retroactive applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 422.5, subsection 3, paragraph a, Code  
2 2014, is amended to read as follows:  
3 a. The tax shall not be imposed on a resident or nonresident  
4 whose net income, as defined in section 422.7, is thirteen  
5 thousand five hundred dollars or less in the case of married  
6 persons filing jointly or filing separately on a combined  
7 return, heads of household, and surviving spouses or nine  
8 thousand dollars or less in the case of all other persons;  
9 but in the event that the payment of tax under this division  
10 would reduce the net income to less than thirteen thousand five  
11 hundred dollars or nine thousand dollars as applicable, then  
12 the tax shall be reduced to that amount which would result  
13 in allowing the taxpayer to retain a net income of thirteen  
14 thousand five hundred dollars or nine thousand dollars as  
15 applicable. The preceding sentence does not apply to estates  
16 or trusts. For the purpose of this subsection, the entire net  
17 income, including any part of the net income not allocated  
18 to Iowa, shall be taken into account. For purposes of this  
19 subsection, net income includes all amounts of pensions or  
20 other retirement income, except for military survivor benefits  
21 excluded under section 422.7, subsection 31A, paragraph "a",  
22 received from any source which is not taxable under this  
23 division as a result of the government pension exclusions in  
24 section 422.7, or any other state law. If the combined net  
25 income of a husband and wife exceeds thirteen thousand five  
26 hundred dollars, neither of them shall receive the benefit  
27 of this subsection, and it is immaterial whether they file a  
28 joint return or separate returns. However, if a husband and  
29 wife file separate returns and have a combined net income of  
30 thirteen thousand five hundred dollars or less, neither spouse  
31 shall receive the benefit of this paragraph, if one spouse has  
32 a net operating loss and elects to carry back or carry forward  
33 the loss as provided in section 422.9, subsection 3. A person  
34 who is claimed as a dependent by another person as defined in  
35 section 422.12 shall not receive the benefit of this subsection

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1 if the person claiming the dependent has net income exceeding  
2 thirteen thousand five hundred dollars or nine thousand dollars  
3 as applicable or the person claiming the dependent and the  
4 person's spouse have combined net income exceeding thirteen  
5 thousand five hundred dollars or nine thousand dollars as  
6 applicable.

7 Sec. 2. Section 422.5, subsection 3B, paragraph a, Code  
8 2014, is amended to read as follows:

9 a. The tax shall not be imposed on a resident or nonresident  
10 who is at least sixty-five years old on December 31 of  
11 the tax year and whose net income, as defined in section  
12 422.7, is thirty-two thousand dollars or less in the case  
13 of married persons filing jointly or filing separately on a  
14 combined return, heads of household, and surviving spouses or  
15 twenty-four thousand dollars or less in the case of all other  
16 persons; but in the event that the payment of tax under this  
17 division would reduce the net income to less than thirty-two  
18 thousand dollars or twenty-four thousand dollars as applicable,  
19 then the tax shall be reduced to that amount which would result  
20 in allowing the taxpayer to retain a net income of thirty-two  
21 thousand dollars or twenty-four thousand dollars as applicable.  
22 The preceding sentence does not apply to estates or trusts.  
23 For the purpose of this subsection, the entire net income,  
24 including any part of the net income not allocated to Iowa,  
25 shall be taken into account. For purposes of this subsection,  
26 net income includes all amounts of pensions or other retirement  
27 income, except for military survivor benefits excluded under  
28 section 422.7, subsection 31A, paragraph "a", received from any  
29 source which is not taxable under this division as a result  
30 of the government pension exclusions in section 422.7, or any  
31 other state law. If the combined net income of a husband and  
32 wife exceeds thirty-two thousand dollars, neither of them shall  
33 receive the benefit of this subsection, and it is immaterial  
34 whether they file a joint return or separate returns. However,  
35 if a husband and wife file separate returns and have a combined

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1 net income of thirty-two thousand dollars or less, neither  
2 spouse shall receive the benefit of this paragraph, if one  
3 spouse has a net operating loss and elects to carry back or  
4 carry forward the loss as provided in section 422.9, subsection  
5 3. A person who is claimed as a dependent by another person as  
6 defined in section 422.12 shall not receive the benefit of this  
7 subsection if the person claiming the dependent has net income  
8 exceeding thirty-two thousand dollars or twenty-four thousand  
9 dollars as applicable or the person claiming the dependent  
10 and the person's spouse have combined net income exceeding  
11 thirty-two thousand dollars or twenty-four thousand dollars as  
12 applicable.

13 Sec. 3. Section 422.7, Code 2014, is amended by adding the  
14 following new subsection:

15 NEW SUBSECTION. 31A. a. Subtract, to the extent included,  
16 amounts received as survivor benefits by a taxpayer from the  
17 federal government pursuant to 10 U.S.C. §1447, et seq.

18 b. The exclusion of survivor benefits under this subsection  
19 is in addition to any exclusion provided under subsection 31.

20 Sec. 4. RETROACTIVE APPLICABILITY. This division of this  
21 Act applies retroactively to January 1, 2014, for tax years  
22 beginning on or after that date.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill exempts military survivor benefits for certain  
27 purposes of the state individual income tax.

28 The bill exempts from the individual income tax all  
29 military survivor benefits received by a taxpayer from the  
30 federal government. The exemption is in addition to the  
31 general pension exclusion in current Iowa Code. The bill  
32 also exempts military survivor benefits from the net income  
33 calculations used to determine certain personal income tax  
34 filing thresholds.

35 The bill applies retroactively to January 1, 2014, for tax

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1 years beginning on or after that date.



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House File 2360 - Introduced

HOUSE FILE 2360  
BY COMMITTEE ON EDUCATION  
  
(SUCCESSOR TO HF 559)

A BILL FOR

1 An Act establishing a transportation cost supplement program  
2 for school districts, authorizing the imposition of a  
3 transportation cost supplement property tax and income  
4 surtax, and including applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2078HV (3) 85  
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1 Section 1. Section 275.12, subsection 5, Code 2014, is  
2 amended to read as follows:

3 5. The petition may also include a provision that the  
4 voter-approved physical plant and equipment levy provided in  
5 section 298.2, the transportation cost supplement program  
6 provided in section 298.17, or both will be voted upon at the  
7 election conducted under section 275.18.

8 Sec. 2. Section 275.20, Code 2014, is amended to read as  
9 follows:

10 **275.20 Separate vote in existing districts.**

11 The voters shall vote separately in each existing school  
12 district affected and voters residing in the entire existing  
13 district are eligible to vote upon the proposition to create  
14 a new school corporation and, if provided for in the petition  
15 under section 275.12, subsection 5, the proposition to levy  
16 the voter-approved physical plant and equipment levy under  
17 section 298.2, if the petition included a provision for a vote  
18 to authorize the levy the proposition to participate in the  
19 transportation cost supplement program under section 298.17, or  
20 both. If a proposition receives a majority of the votes cast  
21 in each of at least seventy-five percent of the districts, and  
22 also a majority of the total number of votes cast in all of the  
23 districts, the proposition is carried.

24 Sec. 3. Section 298.14, unnumbered paragraphs 1 and 2, Code  
25 2014, are amended to read as follows:

26 For each fiscal year, the cumulative total of the percents of  
27 surtax approved by the board of directors of a school district  
28 and collected by the department of revenue under sections  
29 257.21, 257.29, ~~and~~ 298.2, and 298.17, and the enrichment  
30 surtax under section 442.15, Code 1989, and an income surtax  
31 collected by a political subdivision under chapter 422D, shall  
32 not exceed twenty percent.

33 A school district income surtax fund is created in the  
34 office of treasurer of state. Income surtaxes collected by the  
35 department of revenue under sections 257.21, 257.29, ~~and~~ 298.2,



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1 and 298.17, and section 442.15, Code 1989, shall be deposited  
2 in the school district income surtax fund to the credit of each  
3 school district. A separate accounting of each surtax, by  
4 school district, shall be maintained.

5 Sec. 4. NEW SECTION. 298.17 Transportation cost supplement  
6 program — election.

7 1. a. A transportation cost supplement program is  
8 established to provide additional funding for school districts  
9 in which the district transportation costs per pupil exceed the  
10 state average transportation costs per pupil, as those amounts  
11 are determined under section 257.31, subsection 17, paragraph  
12 "c".

13 b. The board of directors of a school district that  
14 satisfies the criteria of paragraph "a", may direct the  
15 county commissioner of elections to submit the question of  
16 participation in the transportation cost supplement program to  
17 the registered voters of the school district at an election  
18 held on a date specified in section 39.2, subsection 4,  
19 paragraph "c". The question submitted to the voters of the  
20 school district shall specify the period of consecutive years  
21 that the school district may participate in the program,  
22 if otherwise eligible under paragraph "a", not to exceed  
23 ten consecutive years. If a majority of those voting on  
24 the question favors participation in the program, the board  
25 shall adopt a resolution to participate and shall certify the  
26 results of the election to the department of management and the  
27 district shall participate in the program. If a majority of  
28 those voting on the question does not favor participation, the  
29 district shall not participate in the program.

30 2. The transportation cost supplement program shall provide  
31 additional revenues each fiscal year not to exceed an amount  
32 equal to the district's actual enrollment used to calculate  
33 the district's average transportation costs per pupil under  
34 section 257.31, subsection 17, paragraph "c", multiplied by  
35 the remainder of the district's average transportation costs



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1 per pupil minus the state average transportation costs per  
2 pupil, as those amounts are determined under section 257.31,  
3 subsection 17, paragraph "c". However, such resulting amount  
4 shall be reduced by the amount of transportation assistance  
5 aid received by the district under section 257.31, subsection  
6 17, for the same budget year, as defined in section 257.2, if  
7 applicable. Certification of a district's participation for a  
8 budget year, the method of funding, and the amount to be raised  
9 shall be made to the department of management not later than  
10 April 15 of the base year, as defined in section 257.2.

11 3. The transportation cost supplement program shall be  
12 funded by either a transportation cost supplement property  
13 tax or by the combination of a transportation cost supplement  
14 property tax and a transportation cost supplement income  
15 surtax. The method of raising the transportation cost  
16 supplement program moneys shall be determined by the board.  
17 Subject to the limitation in section 298.14, if the board  
18 uses a combination of a transportation property tax and a  
19 transportation cost supplement income surtax, the board shall  
20 determine the percent of income surtax to be imposed, expressed  
21 as full percentage points, not to exceed twenty percent.

22 4. The department of management shall establish the amount  
23 of the transportation cost supplement property tax to be levied  
24 or the amount of the combination of the transportation cost  
25 supplement property tax to be levied and the amount of the  
26 transportation cost supplement income surtax to be imposed for  
27 each school year that the transportation cost supplement amount  
28 is authorized and the school district eligible under subsection  
29 1, paragraph "a". The transportation cost supplement property  
30 tax and income surtax, if an income surtax is imposed, shall be  
31 levied and imposed, collected, and paid to the school district  
32 in the manner provided for the instructional support program in  
33 sections 257.21 through 257.26.

34 5. Revenues received by a school district from a  
35 transportation cost supplement property tax or income surtax

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1 imposed under this section shall be deposited in the general  
2 fund of the school district and expended only for the cost  
3 of repairing, maintaining, and fueling school district  
4 transportation equipment and school buses, as defined in  
5 section 321.1, subsection 69. Revenues received by a school  
6 district under this section are miscellaneous income.

7     6. Except for an adjustment in the total amount authorized  
8 to be collected under subsection 2, participation in the  
9 transportation cost supplement program under this section shall  
10 not affect a school district's eligibility for transportation  
11 assistance under section 257.31, subsection 17.

12     7. Once approved at an election, the authority of the  
13 board to use the transportation cost supplement program  
14 shall continue, subject to the period of years authorized at  
15 election, until the board votes to discontinue the program or  
16 the voters of the school district by majority vote order the  
17 discontinuance of the program. The board shall submit at an  
18 election held on a date specified in section 39.2, subsection  
19 4, paragraph "c", the question of whether to discontinue the  
20 program upon the receipt of a petition signed by not less than  
21 one hundred eligible electors or thirty percent of the number  
22 of electors voting at the last preceding school election,  
23 whichever is greater.

24     8. Participation in the transportation cost supplement  
25 program is not affected by a change in the boundaries of the  
26 school district. If each school district involved in a school  
27 reorganization under chapter 275 has approved a transportation  
28 cost supplement program, and if the voters have not voted upon  
29 the question of participation in the program in the reorganized  
30 district, the program shall be in effect for the reorganized  
31 district that has been approved for the least amount and the  
32 shortest time in any of the districts.

33     Sec. 5. APPLICABILITY. This Act applies to school budget  
34 years beginning on or after July 1, 2015.

35

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1           The inclusion of this explanation does not constitute agreement with  
2           the explanation's substance by the members of the general assembly.

3       This bill establishes a transportation cost supplement  
4 program to provide additional funding for school districts  
5 in which the district transportation costs per pupil exceed  
6 the state average transportation costs per pupil. Under the  
7 bill, the board of directors of such a school district may  
8 direct the county commissioner of elections to submit the  
9 question of participation in the program to the registered  
10 voters of the school district. The question submitted to the  
11 voters shall specify the period of consecutive years that the  
12 school district may participate in the program not to exceed 10  
13 consecutive years.

14       The transportation cost supplement program provides  
15 additional revenue each fiscal year not to exceed an amount  
16 equal to the district's actual enrollment used to calculate  
17 the district's average transportation costs, multiplied by  
18 the remainder of the district's average transportation costs  
19 per pupil minus the state average transportation costs per  
20 pupil. This amount is required to be reduced by the amount of  
21 transportation assistance aid received by the district under  
22 current Code section 257.31(17), if any, for the same budget  
23 year.

24       The bill authorizes the transportation cost supplement  
25 program to be funded by either a transportation cost supplement  
26 property tax or by the combination of a transportation cost  
27 supplement property tax and a transportation cost supplement  
28 income surtax. An income surtax imposed as part of the  
29 transportation cost supplement program is subject to the 20  
30 percent cumulative income surtax cap under Code section 298.14.

31       Revenues received by a school district from a transportation  
32 cost supplement property tax or income surtax shall be  
33 deposited in the general fund of the school district and  
34 expended only for the cost of repairing, maintaining, and  
35 fueling school district transportation equipment and school



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1 buses, as defined in Code section 321.1(69). Revenues received  
2 by a school district under this section are miscellaneous  
3 income.

4 The bill provides that the transportation cost supplement  
5 program may be discontinued by either school board action or  
6 by petition and election and includes provisions relating to  
7 participation in the transportation cost supplement program by  
8 school districts involved in a school reorganization under Code  
9 chapter 275.

10 The bill applies to school budget years beginning on or after  
11 July 1, 2015.



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House File 2361 - Introduced

HOUSE FILE 2361  
BY COMMITTEE ON TRANSPORTATION  
  
(SUCCESSOR TO HSB 597)

A BILL FOR

1 An Act relating to matters under the purview of the department  
2 of transportation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5308HV (3) 85  
dea/nh



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1 DIVISION I

2 HIGHWAYS

3 Section 1. Section 306.3, unnumbered paragraph 1, Code  
4 2014, is amended to read as follows:

5 As used in this chapter or in any chapter of the Code  
6 relating to highways, except as otherwise specified:

7 Sec. 2. Section 306C.1, subsection 2, Code 2014, is amended  
8 to read as follows:

9 2. "*Interstate highway*" includes "*interstate road*" and  
10 "*interstate system*" and means any highway of the primary  
11 national highway system at any time officially designated as a  
12 part of the national system of interstate and defense highways  
13 by the department and approved by the appropriate authority of  
14 the federal government.

15 Sec. 3. Section 306C.1, Code 2014, is amended by adding the  
16 following new subsection:

17 NEW SUBSECTION. 5. "*National highway system*" means the  
18 network designated by the federal highway administration in  
19 consultation with the state department of transportation, which  
20 consists of interconnected urban and rural principal arterials  
21 and highways that serve major population centers, ports,  
22 airports, public transportation facilities, other intermodal  
23 transportation facilities, and other major travel destinations;  
24 meet national defense requirements; and serve interstate and  
25 interregional travel.

26 Sec. 4. Section 306C.2, unnumbered paragraph 1, Code 2014,  
27 is amended to read as follows:

28 A person shall not establish, operate, or maintain a  
29 junkyard, any portion of which is within one thousand feet of  
30 the nearest edge of the right-of-way of any interstate highway  
31 on the national highway system, except:

32 Sec. 5. Section 306C.3, Code 2014, is amended to read as  
33 follows:

34 **306C.3 Junkyards lawfully in existence.**

35 1. Any junkyard located outside a zoned or unzoned

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1 industrial area lawfully in existence on July 1, 1972,  
2 which is within one thousand feet of the nearest edge of  
3 the right-of-way and visible from the main-traveled portion  
4 of any highway on the interstate system shall be screened,  
5 if feasible, by the department, or by the owner under rules  
6 and direction of the department, at locations on the highway  
7 right-of-way or in areas acquired for such purposes outside  
8 the right-of-way in order to obscure the junkyard from the  
9 main-traveled way of such highways.

10 2. Any junkyard located outside a zoned or unzoned  
11 industrial area lawfully in existence on July 1, 2014, which  
12 is within one thousand feet of the nearest edge of the  
13 right-of-way and visible from the main-traveled portion of  
14 any noninterstate highway which is on the national highway  
15 system shall be screened, if feasible, by the department, or  
16 by the owner under rules and direction of the department, at  
17 locations on the highway right-of-way or in areas acquired for  
18 such purposes outside the right-of-way in order to obscure the  
19 junkyard from the main-traveled way of such highways.

20 Sec. 6. Section 306C.10, subsections 1, 2, 10, 13, and 20,  
21 Code 2014, are amended to read as follows:

22 1. "*Adjacent area*" means an area which is contiguous to  
23 and within six hundred sixty feet of the nearest edge of the  
24 right-of-way of any ~~interstate, freeway primary, or primary~~  
25 highway.

26 2. "*Advertising device*" includes any outdoor sign, display,  
27 device, figure, painting, drawing, message, placard, poster,  
28 billboard, or any other device designed, intended, or used to  
29 advertise or give information in the nature of advertising, and  
30 having the capacity of being visible from the traveled portion  
31 of any ~~interstate or primary~~ highway.

32 10. "*Interstate highway*" includes "*interstate road*" and  
33 "*interstate system*" and means any highway of the ~~primary~~  
34 national highway system at any time officially designated as a  
35 part of the national system of interstate and defense highways



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1 by the department and approved by the appropriate authority of  
2 the federal government.

3 13. *"Primary highways"* ~~includes the entire primary system as~~  
4 ~~officially designated, or as may hereafter be so designated,~~  
5 ~~by the department~~ means all highways on the national highway  
6 system and all highways on the federal-aid primary system as it  
7 existed on June 1, 1991.

8 20. *"Unzoned commercial or industrial area"* means those areas  
9 not zoned by state or local law, regulation, or ordinance,  
10 which are occupied by one or more commercial or industrial  
11 activities, and the land along the ~~interstate highways and~~  
12 primary highways for a distance of seven hundred fifty feet  
13 immediately adjacent to the activities. All measurements  
14 shall be from the outer edge of the regularly used buildings,  
15 parking lots, storage, or processing areas of the activities  
16 and shall be parallel to the edge of pavement of the highway.  
17 Measurements shall not be from the property line of the  
18 activities unless that property line coincides with the limits  
19 of the activities. Unzoned commercial or industrial areas  
20 shall not include land on the opposite side of the highway from  
21 the commercial or industrial activities.

22 Sec. 7. Section 306C.10, Code 2014, is amended by adding the  
23 following new subsection:

24 NEW SUBSECTION. 12A. *"National highway system"* means the  
25 network designated by the federal highway administration in  
26 consultation with the state department of transportation, which  
27 consists of interconnected urban and rural principal arterials  
28 and highways that serve major population centers, ports,  
29 airports, public transportation facilities, other intermodal  
30 transportation facilities, and other major travel destinations;  
31 meet national defense requirements; and serve interstate and  
32 interregional travel.

33 Sec. 8. Section 306C.12, Code 2014, is amended to read as  
34 follows:

35 **306C.12 None visible from highway.**



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1 An advertising device shall not be constructed or  
2 reconstructed beyond the adjacent area in unincorporated areas  
3 of the state if it is visible from the main-traveled way of  
4 any ~~interstate or~~ primary highway except for advertising  
5 devices permitted in section 306C.11, subsections 1 and 2.  
6 Any advertising device permitted beyond an adjacent area in  
7 unincorporated areas of the state shall be subject to the  
8 applicable permit provisions of section 306C.18.

9 Sec. 9. Section 306C.13, subsections 2, 3, 4, and 5, Code  
10 2014, are amended to read as follows:

11 2. Advertising devices located within the adjacent  
12 area of nonfreeway primary highways shall not be erected or  
13 maintained closer to another advertising device facing in the  
14 same direction than one hundred feet if inside the corporate  
15 limits of a municipality. No advertising device, other than  
16 as excepted or permitted by ~~subsections~~ subsection 4, 5, or 6  
17 ~~of this section~~, shall be located within the triangular area  
18 formed by the line connecting two points each fifty feet back  
19 from the point where the street right-of-way lines of the  
20 main-traveled way and the intersecting street meet, or would  
21 meet, if extended.

22 3. Advertising devices located within the adjacent area of  
23 nonfreeway primary highways shall not be erected or maintained  
24 closer to another advertising device facing in the same  
25 direction than three hundred feet if outside the corporate  
26 limits of a municipality. No advertising device, other than  
27 those excepted or permitted by ~~subsections~~ subsection 4, 5, or  
28 6 ~~of this section~~, shall be located within the triangular area  
29 formed by a line connecting two points each one hundred feet  
30 back from the point where the street right-of-way lines of the  
31 main-traveled way and the intersecting street meet, or would  
32 meet, if extended.

33 4. The distance spacing measurements fixed by subsections 2  
34 and 3 ~~of this section~~ shall not apply to advertising devices  
35 which are separated by a building in such a manner that only

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1 one advertising device located within the minimum spacing  
2 distance is visible from a highway at any one time.

3 5. Within a triangular area, as defined by subsections 2  
4 and 3 of ~~this section~~, occupied by a building or structure, no  
5 advertising device shall be erected or maintained closer to the  
6 intersection than the building or structure itself, except that  
7 a wall advertising device may be attached to said building or  
8 structure not to protrude more than twelve inches.

9 Sec. 10. Section 306C.13, subsection 8, paragraph g, Code  
10 2014, is amended to read as follows:

11 g. The standards contained in this section pertaining to  
12 size, lighting, and spacing shall not apply to advertising  
13 devices erected or maintained within six hundred sixty feet  
14 of the right-of-way of those portions of the interstate  
15 highway system exempted from control under chapter 306B by  
16 authority of section 306B.2, subsection 4, nor to advertising  
17 devices erected and maintained within adjacent areas along  
18 noninterstate primary highways within zoned and unzoned  
19 commercial and industrial areas, unless said advertising  
20 devices were erected subsequent to July 1, 1972.

21 DIVISION II

22 TRANSPORTATION DEPARTMENT AND COMMISSION

23 DEPARTMENT OF TRANSPORTATION

24 Sec. 11. Section 307.8, Code 2014, is amended to read as  
25 follows:

26 **307.8 Expenses.**

27 ~~Members of the commission, the~~ The director, and other  
28 employees of the department shall be allowed their actual and  
29 necessary expenses incurred in the performance of their duties.  
30 All expenses and salaries shall be paid from appropriations  
31 for such purposes, and the department shall be subject to the  
32 budget requirements of chapter 8.

33 Sec. 12. Section 307.12, subsection 1, paragraphs g and p,  
34 Code 2014, are amended to read as follows:

35 g. Appoint the ~~deputy director of transportation and the~~

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1 administrators ~~of~~ within the department.

2 ~~p. Administer chapter 327J~~ Apply for, accept, and expend  
3 federal, state, or private funds for the improvement of  
4 transportation.

5 Sec. 13. Section 307.12, subsection 1, Code 2014, is amended  
6 by adding the following new paragraph:

7 NEW PARAGRAPH. ~~q.~~ Coordinate the transportation research  
8 activities within the department.

9 Sec. 14. Section 307.12, subsection 2, Code 2014, is amended  
10 to read as follows:

11 2. If in the interest of the state, the director may allow  
12 a subsistence expense to an employee under the supervision of  
13 the department's administrator responsible for highways highway  
14 programs and activities for continuous stay in one location  
15 while on duty away from established headquarters and place of  
16 domicile for a period not to exceed forty-five days; and may  
17 allow automobile expenses in accordance with section 8A.363,  
18 for moving an employee and the employee's family from place of  
19 present domicile to new domicile, and actual transportation  
20 expense for moving of household goods. The household goods for  
21 which transportation expense is allowed shall not include pets  
22 or animals.

23 Sec. 15. Section 307.21, subsection 1, unnumbered paragraph  
24 1, Code 2014, is amended to read as follows:

25 The department's administrator ~~of administrative services~~  
26 responsible for the operations and finances of the department  
27 shall:

28 Sec. 16. Section 307.21, subsection 7, Code 2014, is amended  
29 to read as follows:

30 7. The administrator ~~of administrative services~~ may  
31 purchase items from the department of administrative services  
32 and may cooperate with the director of the department of  
33 administrative services by providing purchasing services for  
34 the department of administrative services.

35 Sec. 17. Section 307.22, Code 2014, is amended to read as

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1 follows:

2 **307.22 Planning and ~~research~~ programming activities.**

3 1. The department's administrator ~~of~~ responsible for  
4 transportation planning and ~~research~~ infrastructure program  
5 development shall:

6 *a.* Assist the director in planning all modes of  
7 transportation in order to develop an integrated transportation  
8 system providing adequate transportation services for all  
9 citizens of the state.

10 *b.* Develop and maintain transportation statistical data for  
11 the department.

12 *c.* Assist the director in establishing, analyzing, and  
13 evaluating alternative transportation policies for the state.

14 *d.* Coordinate planning ~~and research~~ duties and  
15 responsibilities with the planning functions carried on by  
16 other administrators of the department.

17 *e.* (1) Annually report by July 1 of each year, for both  
18 secondary and farm-to-market systems, the miles of earth,  
19 granular, and paved surface roads; the daily vehicle miles  
20 of travel; and the lineal feet of bridge deck under the  
21 jurisdiction of each county's secondary road department, as  
22 of the preceding January 1, taking into account roads whose  
23 jurisdiction has been transferred from the department to a  
24 county or from a county to the department during the previous  
25 year. The annual report shall include those roads transferred  
26 to a county pursuant to section 306.8A.

27 (2) Miles of secondary and farm-to-market roads shall not  
28 include those miles of farm-to-market extensions within cities  
29 under five hundred population that are placed under county  
30 secondary road jurisdiction pursuant to section 306.4.

31 (3) The annual report of updated road and bridge data of  
32 both the secondary and farm-to-market roads shall be submitted  
33 to the Iowa county engineers association service bureau.

34 *f.* Advise and assist the director in the study and  
35 development of highway transport economics to assure



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1 availability and productivity of highway transport services.

2 ~~f.~~ g. Perform such other planning functions as may be  
3 assigned by the director.

4 2. The functions of planning and ~~research~~ infrastructure  
5 program development do not include the detailed design  
6 of highways or other modal transportation facilities, but  
7 are restricted to the needs of this state for multimodal  
8 transportation systems.

9 Sec. 18. Section 307.24, Code 2014, is amended to read as  
10 follows:

11 **307.24 Administration of ~~highways~~ highway programs and**  
12 **activities.**

13 The department's administrator ~~of highways~~ is responsible  
14 for the ~~planning, design, construction, and maintenance of~~  
15 highway programs and activities shall plan, design, construct,  
16 and maintain the state primary highways and ~~shall~~ administer  
17 chapters 306 ~~to~~ through 306C, chapters 309 through 314,  
18 chapters 316 through 318, and chapter 320 and perform other  
19 duties as assigned by the director. The ~~administration of~~  
20 highways department shall be:

21 1. Be organized to provide administration assistance for  
22 urban systems, ~~for~~ and secondary roads, and provide other  
23 categories of administration assistance as necessary.

24 2. Devise and adopt standard plans of highway construction  
25 and furnish the same to the counties and provide information  
26 to the counties on the maintenance practices and policies of  
27 the department.

28 3. Order the removal or alteration of any lights or  
29 light-reflecting devices, whether on public or private  
30 property, other than railroad signals or crossing lights,  
31 located adjacent to a primary road and within three hundred  
32 feet of a railroad crossing at grade, which in any way  
33 interfere with the vision of or may be confusing to a person  
34 operating a motor vehicle on such primary road in observing  
35 the approach of trains or in observing signs erected for the



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- 1 purpose of giving warning of such railroad crossing.  
2     4. Order the removal or alteration of any lights or  
3 light-reflecting devices, whether on public or private  
4 property, located adjacent to a primary road and within  
5 three hundred feet of an intersection with another primary  
6 road, which in any way interfere with the vision of or may be  
7 confusing to a person operating a motor vehicle on such primary  
8 road in observing the approach of other vehicles or signs  
9 erected for the purpose of giving warning of such intersection.  
10    5. Construct, reconstruct, improve, and maintain state  
11 institutional roads and state park roads which are part of the  
12 state park, state institution, and other state land road system  
13 as defined in section 306.3, and bridges on such roads, roads  
14 located on the state fairgrounds as described in chapter 173,  
15 and the roads and bridges located on community college property  
16 as described in chapter 260C, upon the request of the state  
17 board, department, or commission which has jurisdiction over  
18 such roads. Such construction, reconstruction, improvement,  
19 or maintenance shall be done in such manner as may be agreed  
20 upon by the state transportation commission and the state  
21 board, department, or commission which has jurisdiction. The  
22 commission may contract with any county or municipality for  
23 the construction, reconstruction, improvement, or maintenance  
24 of such roads and bridges. Any state park road which is an  
25 extension of either a primary or secondary highway which both  
26 enters and exits from a state park at separate points shall  
27 be constructed, reconstructed, improved, and maintained as  
28 provided in section 306.4. Funds allocated from the road  
29 use tax fund for the purposes of this subsection shall be  
30 apportioned in the following manner and amounts:  
31     a. For department of natural resources facility roads,  
32 forty-five and one-half percent.  
33     b. For department of human services facility roads, six and  
34 one-half percent.  
35     c. For department of corrections facility roads, five and



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1 one-half percent.

2 d. For national guard facility roads, four percent.

3 e. For state board of regents facility roads, thirty  
4 percent.

5 f. For state fair board facility roads, two percent.

6 g. For department of administrative services facility roads,  
7 one-half percent.

8 h. For department of education facility roads, six percent.

9 Sec. 19. Section 307.26, Code 2014, is amended to read as  
10 follows:

11 307.26 Rail and water Administration of modal programs and  
12 activities.

13 The department's administrator responsible for rail and  
14 water modal programs and activities shall:

15 1. Advise and assist the director in conducting research  
16 on the basic railroad problems and identify the present  
17 capability of the existing railroads in order to determine  
18 the present obligation of the railroads to provide acceptable  
19 levels of public service. Advise and assist the director  
20 in the development of aeronautics including but not limited  
21 to the location of air terminals, accessibility of air  
22 terminals by other modes of public transportation, protective  
23 zoning provisions considering safety factors, noise, and air  
24 pollution, facilities for private and commercial aircraft,  
25 air freight facilities, and such other physical and technical  
26 aspects as may be necessary to meet present and future needs.

27 2. Advise and assist the director in the study of local  
28 and regional transportation of goods and people including  
29 intracity and intercity bus systems, dial-a-bus facilities,  
30 rural and urban bus and taxi systems, the collection of data  
31 from these systems, a feasibility study of increased government  
32 subsidy assistance and determination of the allocation of such  
33 subsidies to each mass transportation system, and such other  
34 physical and technical aspects as may be necessary to meet  
35 present and future needs, and apply for, accept, and expend

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1 federal, state, or private funds for the improvement of mass  
2 transit.  
3     ~~2.~~ 3. Advise and assist the director in the development  
4 of ~~rail~~ transportation systems and programs for ~~expansion of~~  
5 improving passenger and freight services.  
6     ~~3.~~ 4. Advise and assist the director in developing programs  
7 in anticipation of railroad abandonment, including:  
8     ~~a.~~ Development and evaluation of programs which will  
9 encourage improvement of rail freight and the upgrading of rail  
10 lines in order to improve freight service.  
11     ~~b.~~ ~~Development of alternative modes of transportation to~~  
12 ~~areas and communities which lose rail service.~~  
13     ~~c.~~ b. Advise Advising the director when it may appear in  
14 the best interest of the state to assume the role of advocate  
15 in railroad abandonments and railroad rate schedules.  
16     ~~4.~~ 5. Develop and maintain a federal-state relationship  
17 of programs relating to railroad safety enforcement, track  
18 standards, rail equipment, operating rules, and transportation  
19 of hazardous materials.  
20     6. Make surveys, plans, and estimates of cost for safety  
21 enhancement at railroad crossings on highways, and confer  
22 with local and railroad officials with reference to safety  
23 enhancement projects.  
24     ~~5.~~ 7. Advise and assist the director in the conduct of  
25 research on railroad-highway grade crossings and encourage  
26 and develop a safety program in order to reduce injuries or  
27 fatalities including, but not limited to, the following:  
28     ~~a.~~ ~~The implementation of a program of constructing rumble~~  
29 ~~strips at grade crossings on selected hard surface roads.~~  
30     ~~b.~~ a. The establishment of standards for warning devices  
31 for particularly hazardous crossings or for classes of  
32 crossings on highways, which standards are shall be designed  
33 to reduce injuries, fatalities, and property damage. Such  
34 standards shall regulate the use of warning devices and  
35 signs, which shall be in addition to the requirements of

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1 section 327G.2. Implementation of such standards shall be  
2 the responsibility of the government agency, ~~or~~ department,  
3 or political subdivision having jurisdiction and control of  
4 the highway and such implementation shall be deemed adequate  
5 for the purposes of railroad grade crossing protection. The  
6 department, or the political subdivision having jurisdiction,  
7 may direct the installation of temporary protection while  
8 awaiting installation of permanent protection. A railroad  
9 crossing shall not be found to be particularly hazardous for  
10 any purpose unless the department has determined it to be  
11 particularly hazardous.

12 ~~e.~~ b. The development and adoption of classifications of  
13 crossings on public highways based upon their characteristics,  
14 conditions, and hazards, and standards for warning devices,  
15 signals, and signs of each crossing classification. The  
16 department shall recommend a schedule for implementation  
17 of the standards to the government agency, department, or  
18 political subdivision having jurisdiction of the highway and  
19 shall provide an annual report to the general assembly on the  
20 development and adoption of classifications and standards under  
21 this paragraph and their implementation, including information  
22 about financing installation of warning devices, signals, and  
23 signs. The department shall not be liable for the development  
24 or adoption of the classifications or standards. A government  
25 agency, department, or political subdivision shall not be  
26 liable for failure to implement the standards. A crossing  
27 warning or improvement installed or maintained pursuant to  
28 standards adopted by the department under this paragraph "b"  
29 shall be deemed an adequate and appropriate warning for the  
30 crossing.

31 ~~6. Apply for, accept, and expend federal, state or private~~  
32 ~~funds for the improvement of rail transportation.~~

33 ~~7.~~ 8. Advise and assist the director ~~on studies for to~~  
34 assure availability, efficiency, and productivity of freight  
35 and passenger services and to promote the coordination of

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1 ~~railway~~ service with that of other between all transportation  
2 modes.

3 ~~8.~~ 9. Advise and assist the director with studies of  
4 regulatory changes deemed necessary to effectuate economical  
5 and efficient railroad service.

6 ~~9.~~ 10. Advise and assist the director regarding agreements  
7 with railroad corporations for the restoration, conservation,  
8 or improvement of railroad as defined in section 327D.2,  
9 subsection 3, on such terms, conditions, rates, rentals, or  
10 subsidy levels as may be in the best interest of the state.  
11 The commission may enter into contracts and agreements which  
12 are binding only to the extent that appropriations have been  
13 or may subsequently be made by the legislature to effectuate  
14 the purposes of this subsection.

15 ~~10.~~ 11. Administer chapters 324A, 327C through 327H, 327J,  
16 328, 329, and 330.

17 12. Administer programs and activities in chapter  
18 306D relating to scenic routes, chapter 307C relating to  
19 the Missouri river barge compact, chapter 308 relating  
20 to the Mississippi river parkway, chapter 308A relating  
21 to recreational bikeways, and chapter 315 relating to the  
22 revitalize Iowa's sound economy fund.

23 ~~11.~~ 13. Perform such other duties and responsibilities as  
24 may be assigned by the director ~~and the commission.~~

25 ~~12. Advise and assist in the establishment and development~~  
26 ~~of railroad districts upon request.~~

27 ~~13. Conduct innovative experimental programs relating to~~  
28 ~~rail transportation problems within the state.~~

29 ~~14. Enter the role of "applicant" pursuant to the Railroad~~  
30 ~~Revitalization and Regulatory Reform Act of 1976, Pub. L. No.~~  
31 ~~94-210, and take such actions as are necessary to accomplish~~  
32 ~~this role.~~

33 ~~15. Identify those segments of railroad trackage which, if~~  
34 ~~improved, may provide increased transportation services for~~  
35 ~~the citizens of this state. The department shall develop and~~

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~~1 implement programs to encourage the improvement of rail freight~~  
~~2 services on such railroad trackage.~~

3 ~~16.~~ 14. Promote river transportation and coordinate river  
4 programs with other transportation modes.

5 ~~17.~~ 15. Advise and assist the director in the development  
6 of river transportation and port facilities in the state.

7 Sec. 20. Section 307.27, Code 2014, is amended to read as  
8 follows:

9 **307.27 Motor vehicles, motor carriers, and drivers.**

10 The department's administrator responsible for the  
11 enforcement and regulation of motor carriers, registration of  
12 motor vehicles, and the licensing of drivers shall:

13 1. Administer and supervise the registration of motor  
14 vehicles and the licensing of drivers pursuant to chapter 321.

15 2. Administer and supervise the licensing of motor vehicle  
16 manufacturers, distributors, and dealers pursuant to chapter  
17 322.

18 3. Administer the inspection of motor vehicles pursuant to  
19 chapter 321.

20 4. Administer motor vehicle registration reciprocity  
21 pursuant to chapter 326.

22 5. Administer the provisions of chapters 321A, 321E, 321F,  
23 and 321J relating to motor vehicle financial responsibility,  
24 the implied consent law, the movement of vehicles of excessive  
25 size and weight, and the leasing and renting of vehicles.

26 6. Administer the regulation of motor vehicle franchisers  
27 pursuant to chapter 322A.

28 7. Administer the regulation of motor carriers pursuant to  
29 ~~chapter~~ chapters 325A, 326, and 327B.

30 8. Administer the registration of interstate authority  
31 of motor carriers pursuant to chapter 327B as provided in 49  
32 U.S.C. § 14504a and United States department of transportation  
33 regulations.

34 9. Administer chapter 321C relating to interstate drivers  
35 license compacts; chapter 321D relating to vehicle equipment

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1 compacts; chapter 321H relating to vehicle recyclers; chapter  
2 321L relating to parking for persons with disabilities; chapter  
3 321M relating to county issuance of driver's licenses; and  
4 chapter 322C relating to travel trailer dealers, manufacturers,  
5 and distributors.

6 Sec. 21. Section 307.45, Code 2014, is amended to read as  
7 follows:

8 **307.45 State-owned lands — assessment.**

9 1. Cities and counties may assess the cost of a public  
10 improvement against the state when the improvement benefits  
11 property owned by the state and under the jurisdiction  
12 and control of the ~~department's administrator of highways~~  
13 department. The director shall pay from the primary road fund  
14 the portion of the cost of the improvement which would be  
15 legally assessable against the land if privately owned.

16 2. Assessments against property under the jurisdiction of  
17 the ~~department's administrator of highways~~ department shall be  
18 made in the same manner as those made against private property,  
19 except that the city or county making the assessment shall  
20 cause a copy of the public notice of hearing to be mailed to the  
21 director by certified mail.

22 3. Assessments against property owned by the state and  
23 not under the jurisdiction and control of the ~~department's~~  
24 ~~administrator of highways~~ department shall be made in the same  
25 manner as those made against private property, and payment  
26 shall be subject to authorization by the executive council.  
27 There is appropriated from moneys in the general fund not  
28 otherwise appropriated an amount necessary to pay the expense  
29 authorized by the executive council.

30 Sec. 22. Section 307.47, subsections 1 and 3, Code 2014, are  
31 amended to read as follows:

32 1. The highway materials and equipment revolving fund  
33 is created from moneys appropriated out of the primary road  
34 fund. From this fund shall be paid all costs for materials  
35 and supplies, inventoried stock supplies, maintenance and

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1 operational costs of equipment, and equipment replacements  
2 incurred in the operation of centralized purchasing under the  
3 supervision of the ~~department's administrator of highways~~  
4 administrator responsible for highway programs and activities.  
5 Direct salaries and expenses properly chargeable to direct  
6 salaries shall be paid from the fund. For each month, the  
7 ~~director~~ administrator responsible for the operations and  
8 finances of the department shall render a statement to each  
9 highway unit under the supervision of the administrator  
10 ~~of highways~~ for the actual cost of materials and supplies,  
11 operational and maintenance costs of equipment, and equipment  
12 depreciation used. The expense shall be paid by the  
13 ~~administrator of highways~~ responsible for the operations  
14 and finances of the department in the same manner as other  
15 interdepartmental billings are paid, and ~~when the expense is~~  
16 ~~paid by the administrator of highways,~~ the sum paid shall be  
17 credited to the highway materials and equipment revolving fund.  
18 3. When the highway units under the supervision of  
19 ~~the administrator of highways~~ share equipment with other  
20 administrative units of the department, the director shall  
21 prorate the costs of the equipment among the administrative  
22 units using the equipment.  
23 Sec. 23. REPEAL. Sections 307.3, 307.4, 307.5, 307.6,  
24 307.7, 307.9, 307.10, 307.25, 307.35, and 307.43, Code 2014,  
25 are repealed.

26 STATE TRANSPORTATION COMMISSION

27 Sec. 24. NEW SECTION. 307A.1A Transportation commission.  
28 1. There is created a state transportation commission which  
29 shall consist of seven members, not more than four of whom  
30 shall be from the same political party. The governor shall  
31 appoint the members of the commission for a term of four years  
32 beginning and ending as provided by section 69.19, subject to  
33 confirmation by the senate.  
34 2. The commission shall meet in May of each year for the  
35 purpose of electing one of its members as chairperson.



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1     Sec. 25. Section 307A.2, Code 2014, is amended to read as  
2 follows:

3     **307A.2 Duties.**

4     ~~Said~~ The commission shall:

5     1. ~~Devise and adopt standard plans of highway construction~~  
6 ~~and furnish the same to the counties and provide information~~  
7 ~~to the counties on the maintenance practices and policies of~~  
8 ~~the department. Develop, coordinate, and annually update a~~  
9 comprehensive transportation policy and plan for the state.

10    2. ~~Furnish information and instruction to, answer inquiries~~  
11 ~~of, and advise with, highway officers on matters of highway~~  
12 ~~construction and maintenance and the reasonable cost thereof.~~  
13 Promote the coordinated and efficient use of all available  
14 modes of transportation for the benefit of the state and  
15 its citizens including but not limited to the designation  
16 and development of multimodal public transfer facilities if  
17 carriers or other private businesses fail to develop such  
18 facilities.

19    3. ~~Reserved.~~

20    4. ~~Make surveys, plans, and estimates of cost, for the~~  
21 ~~elimination of danger at railroad crossings on highways, and~~  
22 ~~confer with local and railroad officials with reference to~~  
23 ~~elimination of the danger.~~

24    5. ~~Assist the board of supervisors and the department~~  
25 ~~general counsel in the defense of suits wherein infringement of~~  
26 ~~patents, relative to highway construction, is alleged.~~

27    6. ~~Make surveys for the improvement of highways upon or~~  
28 ~~adjacent to state property when requested by the board or~~  
29 ~~department in control of said lands.~~

30    7. ~~Record all important operations of said commission and,~~  
31 ~~at the time provided by law, report the same to the governor.~~

32    8. ~~Incur no expense to the state by sending out road~~  
33 ~~lecturers.~~

34    9. ~~Order the removal or alteration of any lights or~~  
35 ~~light reflecting devices, whether on public or private~~

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~~1 property, other than railroad signals or crossing lights,  
2 located adjacent to a primary road and within three hundred  
3 feet of a railroad crossing at grade, which in any way  
4 interfere with the vision of or may be confusing to a person  
5 operating a motor vehicle on such highway in observing the  
6 approach of trains or in observing signs erected for the  
7 purpose of giving warning of such railroad crossing.  
8 10. Order the removal or alteration of any lights or  
9 light-reflecting devices, whether on public or private  
10 property, located adjacent to a primary road and within  
11 three hundred feet of an intersection with another primary  
12 road, which in any way interfere with the vision of or may be  
13 confusing to a person operating a motor vehicle on such highway  
14 in observing the approach of other vehicles or signs erected  
15 for the purpose of giving warning of such intersection.  
16 11. Construct, reconstruct, improve, and maintain state  
17 institutional roads and state park roads, which are part of  
18 the state park, state institution, and other state land road  
19 system as defined in section 306.3, and bridges on such roads,  
20 roads located on state fairgrounds as defined in chapter 173,  
21 and the roads and bridges located on community college property  
22 as defined in chapter 260C, upon the request of the state  
23 board, department, or commission which has jurisdiction over  
24 such roads. This shall be done in such manner as may be agreed  
25 upon by the state transportation commission and the state  
26 board, department, or commission which has jurisdiction. The  
27 commission may contract with any county or municipality for  
28 the construction, reconstruction, improvement, or maintenance  
29 of such roads and bridges. Any state park road which is an  
30 extension of either a primary or secondary highway which both  
31 enters and exits from a state park at separate points shall  
32 be constructed, reconstructed, improved, and maintained as  
33 provided in section 306.4. Funds allocated from the road  
34 use tax fund for the purposes of this subsection shall be  
35 apportioned in the following manner and amounts:~~

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1 ~~a. For department of natural resources facility roads,~~  
2 ~~forty-five and one-half percent.~~  
3 ~~b. For department of human services facility roads, six and~~  
4 ~~one-half percent.~~  
5 ~~c. For department of corrections facility roads, five and~~  
6 ~~one-half percent.~~  
7 ~~d. For national guard facility roads, four percent.~~  
8 ~~e. For state board of regents facility roads, thirty~~  
9 ~~percent.~~  
10 ~~f. For state fair board facility roads, two percent.~~  
11 ~~g. For department of administrative services facility roads,~~  
12 ~~one-half percent.~~  
13 ~~h. For department of education facility roads, six percent.~~  
14 ~~12.~~ 3. Prepare, adopt, and cause to be published a  
15 long-range program for the primary road system, in conjunction  
16 with the state transportation plan adopted by the commission.  
17 Such program shall be prepared for a period of at least five  
18 years and shall be revised, brought up-to-date, and republished  
19 at least once every year in order to have a continuing  
20 five-year program. The program shall include, insofar as such  
21 estimates can be made, an estimate of the money expected to  
22 become available during the period covered by the program and  
23 a statement of the construction, maintenance, and other work  
24 planned to be performed during such period. The commission  
25 shall conduct periodic reinspections of the primary roads in  
26 order to revise, from time to time, its estimates of future  
27 needs to conform to the physical and service conditions  
28 of the primary roads. ~~The commission shall annually cause~~  
29 ~~to be published a sufficiency rating report showing the~~  
30 ~~relative conditions of the primary roads.~~ Before the last  
31 day of December of each year, the commission shall adopt and  
32 cause to be published from its long-range program, a plan of  
33 improvements to be accomplished during the next calendar year.  
34 However, in years when the federal government is reauthorizing  
35 federal highway funding, the commission shall not be required

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1 to adopt and publish the annual plan of improvements to be  
2 accomplished until at least ninety days from the enactment  
3 of the new federal funding formula. This annual program  
4 shall list definite projects in order of urgency and shall  
5 include a reasonable year's work with the funds estimated to  
6 be available. The annual program shall be final and followed  
7 by the commission in the next year except that deviations may  
8 be made in case of disaster or other unforeseen emergencies  
9 or difficulties. The relative urgency of the proposed  
10 improvements shall be determined by a consideration of the  
11 physical condition, safety, and service characteristics of the  
12 various primary roads.

13 ~~13.~~ 4. The criteria used by the commission for allocating  
14 funds as a result of any long-range planning process shall be  
15 adopted in accordance with the provisions of chapter 17A. The  
16 commission shall adopt such rules and regulations in accordance  
17 with the provisions of chapter 17A as it may deem necessary to  
18 transact its business and for the administration and exercise  
19 of its powers and duties.

20 ~~14.~~ 5. Identify, within the primary road system, a network  
21 of commercial and industrial highways in accordance with  
22 section 313.2A. The improvement of this network shall be  
23 considered in the development of the long-range program and  
24 plan of improvements under this section.

25 6. Approve all rules prior to their adoption by the director  
26 pursuant to section 307.12, subsection 1, paragraph "j".

27 Sec. 26. NEW SECTION. 307A.3 Conflict of interest.

28 A person shall not serve as a member of the commission who  
29 has an interest in a contract or job of work or material or the  
30 profits thereof or service to be performed for the department.  
31 Any member of the commission who accepts employment with or  
32 acquires any stock, bonds, or other interest in any company  
33 or corporation doing business with the department shall be  
34 disqualified from remaining a member of the commission.

35 Sec. 27. NEW SECTION. 307A.4 Vacancies on commission.

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1 1. Any vacancy in the membership of the commission shall be  
2 filled in the same manner as regular appointments are made for  
3 the unexpired portion of the regular term.

4 2. In the event the governor fails to make an appointment  
5 to fill a vacancy or fails to submit the appointment to the  
6 senate for confirmation as required by section 2.32, the senate  
7 may make the appointment prior to adjournment of the general  
8 assembly.

9 Sec. 28. NEW SECTION. 307A.5 Compensation — commission  
10 members.

11 Each member of the commission shall be compensated as  
12 provided in section 7E.6.

13 Sec. 29. NEW SECTION. 307A.6 Commission meetings.

14 The commission shall meet at the call of the chairperson or  
15 when any four members of the commission file a written request  
16 with the chairperson for a meeting. Written notice of the  
17 time and place of each meeting shall be given to each member  
18 of the commission. A majority of the commission members shall  
19 constitute a quorum.

20 Sec. 30. NEW SECTION. 307A.7 Expenses.

21 Members of the commission shall be allowed their actual and  
22 necessary expenses incurred in the performance of their duties.  
23 All expenses and salaries shall be paid from appropriations for  
24 such purposes.

25 Sec. 31. NEW SECTION. 307A.8 Removal from office.

26 Any member of the commission may be removed for any of  
27 the causes and in the manner provided in chapter 66 and such  
28 removal shall not be in lieu of any other punishment that may  
29 be prescribed by the laws of this state.

30 CONFORMING AMENDMENTS

31 Sec. 32. Section 173.16, unnumbered paragraph 1, Code 2014,  
32 is amended to read as follows:

33 All expenses incurred in maintaining the state fairgrounds  
34 and in conducting the annual fair on ~~it~~ the state fairgrounds,  
35 including the compensation and expenses of the officers,

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1 members, and employees of the board, shall be recorded by the  
2 secretary and paid from the state fair receipts, unless a  
3 specific appropriation has been provided for that purpose. The  
4 board may request special capital improvement appropriations  
5 from the state and may request emergency funding from the  
6 executive council for natural disasters. The board may request  
7 that the department of transportation provide maintenance in  
8 accordance with section ~~307A.2~~ 307.24, subsection ~~11~~ 5.

9 Sec. 33. Section 312.2, subsection 2, unnumbered paragraph  
10 1, Code 2014, is amended to read as follows:

11 The treasurer of state shall before making the allotments  
12 in subsection 1 credit annually to the highway grade crossing  
13 safety fund the sum of seven hundred thousand dollars, credit  
14 annually from the road use tax fund the sum of nine hundred  
15 thousand dollars to the highway railroad grade crossing surface  
16 repair fund, credit monthly to the primary road fund the  
17 dollars yielded from an allotment of sixty-five hundredths of  
18 one percent of all road use tax funds for the express purpose  
19 of carrying out ~~subsection 11 of section 307A.2,~~ section  
20 313.4, subsection 2, section 307.24, subsection 5, and section  
21 307.45, and credit annually to the primary road fund the sum of  
22 five hundred thousand dollars to be used for paying expenses  
23 incurred by the state department of transportation other than  
24 expenses incurred for extensions of primary roads in cities.  
25 All unobligated funds provided by this subsection, except those  
26 funds credited to the highway grade crossing safety fund, shall  
27 at the end of each year revert to the road use tax fund. Funds  
28 in the highway grade crossing safety fund shall not revert to  
29 the road use tax fund except to the extent they exceed five  
30 hundred thousand dollars at the end of any biennium. The cost  
31 of each highway railroad grade crossing repair project shall be  
32 allocated in the following manner:

33 Sec. 34. Section 312.4, subsection 5, Code 2014, is amended  
34 to read as follows:

35 5. The amount of the road use tax fund which has been

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1 credited to carry out the provisions of ~~section 307A.2,~~  
2 ~~subsection 11,~~ section 313.4, subsection 2, section 307.24,  
3 subsection 5, and section 307.45.

4 Sec. 35. Section 313.4, subsection 2, Code 2014, is amended  
5 to read as follows:

6 2. Such fund is also appropriated and shall be used for the  
7 construction, reconstruction, improvement, and maintenance of  
8 state institutional roads and state park roads and bridges on  
9 such roads and roads and bridges on community college property  
10 as provided in section ~~307A.2~~ 307.24, subsection ~~11~~ 5, for  
11 restoration of secondary roads used as primary road detours and  
12 for compensation of counties for such use, for restoration of  
13 municipal streets so used and for compensation of cities for  
14 such use, and for the payments required in section 307.45.

15 DIVISION III

16 MISCELLANEOUS PROVISIONS

17 Sec. 36. Section 321.50, subsection 5, Code 2014, is amended  
18 by adding the following new paragraph:

19 NEW PARAGRAPH. *d.* For purposes of this subsection, a  
20 security interest noted on an Iowa certificate of title and  
21 appearing in the statewide computer system and the county's  
22 records shall be presumed to be discharged upon presentation of  
23 a valid certificate of title subsequently issued by a foreign  
24 jurisdiction on which the security interest is no longer noted.

25 Sec. 37. Section 321.176A, subsection 1, Code 2014, is  
26 amended to read as follows:

27 1. A farmer or a person working for a farmer while operating  
28 ~~a commercial motor vehicle controlled by the farmer within one~~  
29 ~~hundred fifty air miles of the farmer's farm to transport the~~  
30 ~~farmer's own agricultural products, farm machinery, or farm~~  
31 ~~supplies to or from the farm~~ covered farm vehicle as defined  
32 in the federal Moving Ahead for Progress in the 21st Century  
33 Act, Pub. L. No. 112-141, §32934. The exemption provided in  
34 this subsection shall apply to farmers who assist each other  
35 through an exchange of services and shall include operation of

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1 a commercial motor vehicle between the farms of the farmers who  
2 are exchanging services.

3 Sec. 38. Section 321.187, Code 2014, is amended to read as  
4 follows:

5 **321.187 Examiners.**

6 1. The department shall examine applicants for driver's  
7 licenses. Examiners of the department shall wear an  
8 identifying badge and uniform provided by the department.

9 2. The department may by rule designate community colleges  
10 and other third party testers to administer the driving skills  
11 test required for a commercial driver's license, provided that  
12 all of the following occur:

13 a. The driving skills test is the same as that which would  
14 otherwise be administered by the state.

15 b. The ~~examiner~~ third party tester contractually agrees to  
16 comply with the requirements of 49 C.F.R. §383.75 as adopted by  
17 rule by the department.

18 c. Any third party skills test examiner used by the third  
19 party tester shall meet the requirements of 49 C.F.R. §383.75  
20 and 49 C.F.R. §384.228, as adopted by rule by the department.

21 3. As used in this section, "third party tester" and "third  
22 party skills test examiner" mean as defined in 49 C.F.R. §383.5.

23 Sec. 39. Section 321.257, subsection 2, paragraphs g and h,  
24 Code 2014, are amended to read as follows:

25 g. A "don't walk" or "steady upraised hand" light is a  
26 pedestrian signal which means that pedestrian traffic facing  
27 the illuminated pedestrian signal shall not start to cross  
28 the roadway in the direction of the pedestrian signal, and  
29 pedestrian traffic in the crossing shall proceed to a safety  
30 zone.

31 h. A "walk" or "walking person" light is a pedestrian signal  
32 which means that pedestrian traffic facing the illuminated  
33 pedestrian signal may proceed to cross the roadway in the  
34 direction of the pedestrian signal and shall be given the  
35 right-of-way by drivers of all vehicles.

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1     Sec. 40. Section 321.257, subsection 2, Code 2014, is  
2 amended by adding the following new paragraphs:  
3     NEW PARAGRAPH. *Og.* A "*flashing yellow arrow*" light shown  
4 alone or with another official traffic-control signal means  
5 vehicular traffic may cautiously enter the intersection  
6 and proceed only in the direction indicated by the arrow.  
7 Vehicular traffic shall yield the right-of-way to other  
8 vehicles and pedestrians lawfully within the intersection and  
9 any vehicle on the opposing approach which is approaching so  
10 closely as to constitute an immediate hazard during the time  
11 the driver is moving within the intersection.  
12     NEW PARAGRAPH. *Oh.* A "*flashing upraised hand*" or "*upraised*  
13 *hand with countdown*" light is a pedestrian signal which means  
14 that pedestrian traffic facing the illuminated pedestrian  
15 signal shall not start to cross the roadway in the direction of  
16 the pedestrian signal, and pedestrian traffic in the crossing  
17 shall proceed to a safety zone. The "*upraised hand with*  
18 *countdown*" light is a pedestrian signal that also provides the  
19 time remaining for the pedestrian to complete the crossing.  
20     Sec. 41. Section 328.24, unnumbered paragraph 1, Code 2014,  
21 is amended to read as follows:  
22     If, during the year for which an aircraft, except  
23 nonresident aircraft used for the application of herbicides  
24 and pesticides, was registered and the required fee paid, the  
25 aircraft is destroyed by fire or accident or junked, and its  
26 identity as an aircraft entirely eliminated, or ~~it~~ the aircraft  
27 is removed and continuously used beyond the boundaries of the  
28 state, then the owner in whose name it was registered at the  
29 time of destruction, dismantling, or removal from the state  
30 shall return the certificate of registration to the department  
31 within ~~ten~~ thirty days and make affidavit of the destruction,  
32 dismantling, or removal and make claim for the refund. The  
33 refund shall be paid from the general fund of the state.  
34     Sec. 42. 2012 Iowa Acts, chapter 1129, section 4, is amended  
35 to read as follows:

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1     SEC. 4. ROAD USE TAX FUND EFFICIENCY MEASURES —  
2     QUARTERLY REPORTS. The department of transportation shall  
3     submit quarterly reports in an electronic format to the  
4     co-chairpersons of the joint appropriations subcommittee on  
5     transportation, infrastructure, and capitals, the chairpersons  
6     of the senate and house standing committees on transportation,  
7     the department of management, and the legislative services  
8     agency regarding the implementation of efficiency measures  
9     identified in the "Road Use Tax Fund Efficiency Report",  
10    January 2012. The reports shall provide details of activities  
11    undertaken in the previous quarter relating to one-time and  
12    long-term program efficiencies and partnership efficiencies.  
13    Issues to be covered in the reports shall include but are  
14    not limited to savings realized from the implementation of  
15    particular efficiency measures; updates concerning measures  
16    that have not been implemented; efforts involving cities,  
17    counties, other jurisdictions, or stakeholder interest groups;  
18    any new efficiency measures identified or undertaken; and  
19    identification of any legislative action that may be required  
20    to achieve efficiencies. The first report shall be submitted  
21    by October 1, 2012. The final report shall be submitted by  
22    October 1, 2014.

23                                   EXPLANATION

24                   The inclusion of this explanation does not constitute agreement with  
25                   the explanation's substance by the members of the general assembly.

26     This bill contains provisions relating to matters under the  
27     purview of the department of transportation (DOT).

28     DIVISION I — HIGHWAYS. Under current law, the DOT has  
29     the responsibility for regulating junkyards along interstate  
30     highways. This bill extends the scope of that responsibility  
31     to include all highways on the national highway system. The  
32     "national highway system" is designated by the federal highway  
33     administration in consultation with the DOT and consists of  
34     certain interconnected urban and rural principal arterials and  
35     highways.

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1 The bill prohibits the establishment, operation, or  
2 maintenance of a junkyard within 1,000 feet of the nearest  
3 edge of the right-of-way of any highway on the national  
4 highway system unless the junkyard is not visible from the  
5 main-traveled portion of the highway or is screened from view;  
6 is located within areas zoned for industrial use; or is located  
7 in an unzoned industrial area defined by DOT regulations.  
8 However, a junkyard in a zoned or unzoned industrial area  
9 lawfully in existence on July 1, 2014, which is within 1,000  
10 feet of the right-of-way and visible from the main-traveled  
11 portion of the highway shall be screened, if feasible, by the  
12 DOT or by the owner at the direction of the DOT.

13 Under current law, the DOT regulates billboards along  
14 interstates and primary highways. The bill expands the scope  
15 of that regulation by redefining "primary highways" to include  
16 all highways on the national highway system and all highways  
17 on the federal-aid primary system as it existed on June 1,  
18 1991. Certain restrictions on the placement of advertising  
19 devices are amended to narrow the application to nonfreeway or  
20 noninterstate primary highways.

21 DIVISION II — TRANSPORTATION DEPARTMENT AND COMMISSION.  
22 DEPARTMENT OF TRANSPORTATION. Code chapter 307, which  
23 establishes the DOT, is amended and reorganized to reflect the  
24 current structure and responsibilities of the department and  
25 its various divisions. In addition, provisions which relate  
26 to the state transportation commission are repealed from Code  
27 chapter 307 and moved into Code chapter 307A, which relates  
28 more specifically to the commission.

29 STATE TRANSPORTATION COMMISSION. Code chapter 307A,  
30 which currently contains some of the duties of the state  
31 transportation commission, is amended to include provisions  
32 establishing the commission and providing for its organization  
33 and membership. In addition, certain provisions which relate  
34 to duties actually performed by the department, and not the  
35 commission, are repealed from Code chapter 307A and moved into

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1 Code chapter 307.

2 CONFORMING AMENDMENTS. Code sections that currently refer  
3 to provisions in Code chapters 307 and 307A are amended to  
4 update references in conjunction with the changes to those Code  
5 chapters by the bill.

6 DIVISION III — MISCELLANEOUS PROVISIONS. Code section  
7 321.50 is amended to provide that when a security interest is  
8 noted on an Iowa certificate of title and in the statewide  
9 computer system and the county's records, it can be presumed  
10 that the security interest has been discharged upon the  
11 presentation of a valid certificate of title subsequently  
12 issued by the foreign jurisdiction on which the security  
13 interest is no longer noted.

14 The bill amends a provision in Code section 321.176A which  
15 describes the exemption from commercial driver's license  
16 requirements that applies to farmers and persons working for  
17 farmers. The bill states that the exemption applies to a  
18 farmer or a person working for a farmer while operating a  
19 covered farm vehicle as defined in the 2012 federal Moving  
20 Ahead for Progress in the 21st Century Act, also known as  
21 MAP-21, which authorizes surface transportation funding.

22 The bill amends Code section 321.187 to allow third party  
23 testers to administer the driving skills test required for a  
24 commercial driver's license, provided the third party tester  
25 administers the same test as that which would be administered  
26 by the state and complies with federal regulations for testing  
27 which are adopted by the department by rule. An examiner used  
28 by a third party tester must also meet federal requirements.

29 The bill amends Code section 321.257 to describe new colored  
30 lights and lighted symbols used on official traffic-control  
31 signals. The "steady upraised hand" light means the same as  
32 the "don't walk" light, and the "walking person" light means  
33 the same as the "walk" light. The "flashing upright hand" and  
34 the "upraised hand with countdown" lights are now pedestrian  
35 signals that indicate when to wait before crossing or proceed

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1 to a safety zone, and the "upraised hand with countdown"  
2 light also indicates the time remaining for the pedestrian to  
3 complete the crossing. The "flashing yellow arrow" light means  
4 vehicular traffic may cautiously enter the intersection and  
5 proceed in the direction indicated by the arrow, but must yield  
6 the right-of-way to other vehicles and pedestrians lawfully in  
7 the intersection or approaching closely.

8 Under current law, when an aircraft that was registered  
9 in this state is destroyed by fire or accident or junked and  
10 its identity as an aircraft entirely eliminated, or when the  
11 aircraft is removed from the state, the owner has 10 days in  
12 which to return the certificate of title and claim a refund  
13 of the registration fee. The bill extends the deadline to 30  
14 days.

15 Pursuant to 2012 Acts, chapter 1129, section 4, the DOT  
16 is currently required to submit quarterly reports regarding  
17 the implementation of efficiency measures identified in the  
18 "Road Use Tax Fund Efficiency Report", January 2012. The bill  
19 requires submission of the final quarterly report by October 1,  
20 2014, thereby ending the reporting requirement.





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**House File 2362 - Introduced**

HOUSE FILE 2362  
BY COMMITTEE ON PUBLIC SAFETY  
  
(SUCCESSOR TO HSB 545)

**A BILL FOR**

1 An Act relating to emergency management assistance in a  
2 disaster emergency concerning mutual aid arrangements and  
3 agreements.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 29C.6, subsection 7, Code 2014, is  
2 amended to read as follows:  
3 7. On behalf of this state, enter into mutual aid  
4 arrangements with other states, including mutual aid  
5 arrangements with other states that extend the terms and  
6 conditions set forth in the interstate emergency management  
7 assistance compact described in section 29C.21 to situations in  
8 which an emergency or disaster proclamation has not been made  
9 by the governor of an affected state, and to coordinate mutual  
10 aid plans between political subdivisions of this state.  
11 Sec. 2. Section 29C.8, subsection 3, paragraph f,  
12 subparagraph (1), Code 2014, is amended to read as follows:  
13 (1) A member of a homeland security and emergency response  
14 team acting under this section upon the directive of the  
15 director or pursuant to a governor's disaster emergency  
16 proclamation as provided in section 29C.6 shall be considered  
17 an employee of the state for purposes of section 29C.21 and  
18 chapter 669 and shall be afforded protection as an employee  
19 of the state under section 669.21. Disability, workers'  
20 compensation, and death benefits for team members working under  
21 the authority of the director or pursuant to the provisions of  
22 section 29C.6 shall be paid by the state in a manner consistent  
23 with the provisions of chapter 85, 410, or 411 as appropriate,  
24 depending on the status of the member, provided that the member  
25 is registered with the department as a member of an approved  
26 team and is participating as a team member in a response or  
27 recovery operation initiated by the director or governor  
28 pursuant to this section or in a training or exercise activity  
29 approved by the director.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with  
32 the explanation's substance by the members of the general assembly.

33 This bill concerns the department of homeland security and  
34 emergency management as it relates to disaster emergencies.  
35 Code section 29C.6, concerning the proclamation of a

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1 disaster emergency by the governor, is amended to provide  
2 that the governor's authority to enter into mutual aid  
3 arrangements with other states may include arrangements that  
4 extend the terms and conditions of the interstate emergency  
5 management assistance compact to situations in which a disaster  
6 proclamation of an affected state has not been made by that  
7 state's governor.

8 Code section 29C.8(3) is amended to provide that the  
9 reference to the governor's proclamation as provided in Code  
10 section 29C.6 is for a disaster emergency.



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House File 2363 - Introduced

HOUSE FILE 2363  
BY COMMITTEE ON TRANSPORTATION  
  
(SUCCESSOR TO HSB 547)

A BILL FOR

1 An Act concerning the employment of motor vehicle enforcement  
2 officers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 8A.412, Code 2014, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 25. Peace officers employed by the  
4 department of transportation pursuant to section 321.477. The  
5 director of the department of transportation shall adopt rules  
6 not inconsistent with the objectives of this subchapter for the  
7 persons described in this subsection.

8 Sec. 2. Section 10A.601, subsections 1 and 7, Code 2014, are  
9 amended to read as follows:

10 1. A full-time employment appeal board is created within  
11 the department of inspections and appeals to hear and decide  
12 contested cases under section 321.477, chapter 8A, subchapter  
13 IV, and chapters 80, 88, 91C, 96, and 97B.

14 7. An application for rehearing before the appeal board  
15 shall be filed pursuant to section 17A.16, unless otherwise  
16 provided in section 321.477, chapter 8A, subchapter IV, or  
17 chapter 80, 88, 91C, 96, or 97B. A petition for judicial review  
18 of a decision of the appeal board shall be filed pursuant to  
19 section 17A.19. The appeal board may be represented in any  
20 such judicial review by an attorney who is a regular salaried  
21 employee of the appeal board or who has been designated  
22 by the appeal board for that purpose, or at the appeal  
23 board's request, by the attorney general. Notwithstanding  
24 the petitioner's residency requirement in section 17A.19,  
25 subsection 2, a petition for judicial review may be filed in  
26 the district court of the county in which the petitioner was  
27 last employed or resides, provided that if the petitioner  
28 does not reside in this state, the action shall be brought in  
29 the district court of Polk county, Iowa, and any other party  
30 to the proceeding before the appeal board shall be named in  
31 the petition. Notwithstanding the thirty-day requirement in  
32 section 17A.19, subsection 6, the appeal board shall, within  
33 sixty days after filing of the petition for judicial review or  
34 within a longer period of time allowed by the court, transmit  
35 to the reviewing court the original or a certified copy of

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1 the entire records of a contested case. The appeal board may  
2 also certify to the court, questions of law involved in any  
3 decision by the appeal board. Petitions for judicial review  
4 and the questions so certified shall be given precedence over  
5 all other civil cases except cases arising under the workers'  
6 compensation law of this state. No bond shall be required for  
7 entering an appeal from any final order, judgment, or decree of  
8 the district court to the supreme court.

9 Sec. 3. Section 321.477, Code 2014, is amended to read as  
10 follows:

11 **321.477 Employees as peace officers — ~~maximum-age~~ terms of**  
12 **employment — discipline.**

13 1. The department may designate by resolution certain of  
14 its employees upon each of whom there is hereby conferred the  
15 authority of a peace officer to control and direct traffic and  
16 weigh vehicles, and to make arrests for violations of the motor  
17 vehicle laws relating to the operating authority, registration,  
18 size, weight, and load of motor vehicles and trailers and  
19 registration of a motor carrier's interstate transportation  
20 service with the department.

21 2. An applicant to be a peace officer in the department  
22 pursuant to this section shall not be appointed as a peace  
23 officer until the applicant has passed a satisfactory physical  
24 and mental examination. In addition, the applicant must be  
25 a citizen of the United States and be not less than eighteen  
26 years of age. The mental examination shall be conducted  
27 under the direction or supervision of the director and may  
28 be oral or written or both. An applicant shall take an oath  
29 on becoming a peace officer of the department, to uphold the  
30 laws and Constitution of the United States and Constitution  
31 of the State of Iowa. During the period of six months after  
32 employment, a peace officer of the department or a peace  
33 officer candidate employed by the department and attending  
34 a course of instruction conducted by, or comparable to the  
35 course of instruction required by, the Iowa law enforcement



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1 academy pursuant to chapter 80B is subject to dismissal at the  
2 will of the director. After the six months' service, a peace  
3 officer of the department who was appointed after having passed  
4 the examinations is not subject to dismissal, suspension,  
5 disciplinary demotion, or other disciplinary action resulting  
6 in the loss of pay unless charges have been filed with the  
7 department of inspections and appeals and a hearing held by  
8 the employment appeal board created by section 10A.601, if  
9 requested by the peace officer, at which the peace officer  
10 has an opportunity to present a defense to the charges. The  
11 decision of the appeal board is final, subject to the right  
12 of judicial review in accordance with the terms of the Iowa  
13 administrative procedure Act, chapter 17A. However, the  
14 procedures as to dismissal, suspension, demotion, or other  
15 discipline do not apply to a peace officer who is covered by  
16 a collective bargaining agreement which provides otherwise,  
17 and do not apply to the demotion of an office or bureau head  
18 to the rank which the office or bureau head held at the time  
19 of appointment as office or bureau head, if any. An office  
20 or bureau head who is demoted has the right to return to the  
21 rank which the office or bureau head held at the time of  
22 appointment as office or bureau head, if any. All rules,  
23 except employment provisions negotiated pursuant to chapter 20,  
24 regarding the enlistment, appointment, and employment affecting  
25 peace officers of the department shall be established by the  
26 director in consultation with the director of the department of  
27 administrative services, subject to approval by the governor.  
28 3. The maximum age for a person employed as a peace officer  
29 pursuant to this section is sixty-five years of age.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with  
32 the explanation's substance by the members of the general assembly.

33 This bill concerns motor vehicle enforcement officers  
34 employed by and designated as peace officers by the department  
35 of transportation.

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ec/nh

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1 Code section 8A.412, concerning the applicability of  
2 the merit system to state employees, is amended to exclude  
3 from the merit system motor vehicle enforcement officers  
4 employed by and designated as peace officers by the department  
5 of transportation. The bill requires the director of the  
6 department of transportation to adopt rules not inconsistent  
7 with the objectives of the merit system for these employees.

8 Code section 10A.601, concerning the employment appeal  
9 board, is amended to specifically provide that the board  
10 will hear contested case appeals concerning motor vehicle  
11 enforcement officers.

12 Code section 321.477, which authorizes the department  
13 to designate motor vehicle enforcement officers as peace  
14 officers, is amended. The bill provides for the examination  
15 of applicants to be motor vehicle enforcement officers, a  
16 probation period for new officers, and requirements relative  
17 to the discipline and dismissal of motor vehicle enforcement  
18 officers. The provisions are similar to those applicable to  
19 department of public safety officers and described in Code  
20 section 80.15.